

**AGENDA - COUNCIL MEETING - TUESDAY - MARCH 8, 2011 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Sullivan

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**2:00 P. M. - PUBLIC SPEAKERS** - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - MARCH 9, 2011 - 9:00 A. M.**

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE  
CITY SECRETARY PRIOR TO COMMENCEMENT

**HEARINGS - 9:00 A.M.**

1. **PUBLIC HEARING** in accordance with Section 552.045 (c) of the Texas Local Government Code regarding adopting a new Article XIV to Chapter 47 of the Code of Ordinances creating a Municipal Drainage Utility System
2. **PUBLIC HEARING** in accordance with Section 552.045 (c) of the Texas Local Government Code regarding proposed rates and exemptions to establish and levy a schedule of drainage charges for property subject to implementation of a Municipal Drainage Utility System
3. **PUBLIC HEARING** relating to proposed amendments to Article VI, Chapter 9 of the Code of Ordinances, to amend land use regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
- a. **ORDINANCE AMENDING ARTICLE VI OF CHAPTER 9 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Airport Compatible Land Use Regulations; making findings and containing other provisions relating to the foregoing subject; providing for an effective date; providing for severability

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 4 through 19**

**MISCELLANEOUS** - NUMBERS 4 and 4A

4. RECOMMENDATION from Director Planning & Development Department to accept reports on the reconsideration of the following six historic districts - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and H - GONZALEZ:**

Avondale West	Heights East
Boulevard Oaks	Heights West
First Montrose Commons	Norhill

- a. RESOLUTION amending Resolution No. 2010-39; changing the boundaries of the First Montrose Commons Historic District

**ACCEPT WORK** - NUMBERS 5 and 6

5. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$33,838,605.61 and acceptance of work on contract with **WEBBER, LLC (Formerly W. W. WEBBER, LLC)** for Rehabilitation of Runway 9-27 at George Bush Intercontinental Airport/Houston, No. 423 - 7.5% over the original contract amount - **DISTRICT B - JOHNSON**
6. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$145,222.00 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Remediation, Removal and Installation at Fire Station 28 - 4.69% below the original contract amount - **DISTRICT C - CLUTTERBUCK**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 9A

7. ORDINANCE appropriating \$247,500.00 out of C & E Construction Fund for Escalator Parts at the George R. Brown Convention Center for Convention & Entertainment Facilities Department
- a. **KONE, INC d/b/a KONE SPARES, INC** for Escalator Parts from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Convention & Entertainment Facilities Department
8. **TERRAIN SOLUTIONS, INC** for project management and construction oversight services in connection with Underground Storage Tank Removal and Cleanup at 28 Fire Stations - \$146,000.00 - Fire Consolidated Construction Fund
9. ORDINANCE appropriating \$2,766,738.74 out of Equipment Acquisition Consolidated Fund for Purchase of Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments
- a. **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** - \$3,006,220.00, **RON CARTER AUTOMOTIVE** - \$671,943.00, **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** - \$627,321.00, **TOMMIE VAUGHN MOTORS, INC** - \$466,896.00, **JOHNSON WHITESBORO FORD d/b/a HOLIDAY FORD** - \$492,866.83, **FRED HAAS TOYOTA COUNTRY** - \$409,136.00 and **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY FORD** - \$61,635.00 for Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for a total of \$5,736,017.83 for Various Departments - \$2,969,279.09 - Enterprise, Stormwater and Other Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 10 through 19

10. RESOLUTION amending Resolution No. 2010-54 approving and authorizing nomination of **CAMERON INTERNATIONAL CORPORATION** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project **DISTRICT G - PENNINGTON**
11. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **WOOLSEY AVIATION, INC d/b/a MILLION AIR - HOUSTON**, for certain premises at William P. Hobby Airport and concurrently terminating Lease Agreement No. 30552, as assigned, by and between the City of Houston and Woolsey Aviation, Inc d/b/a Million Air - Houston - Revenue **DISTRICT I - RODRIGUEZ**
12. ORDINANCE approving and authorizing various contracts between the City of Houston and 1) **CONNECTICUT GENERAL LIFE INSURANCE COMPANY** for an Administrative Services Agreement related to the administration of various health plans; 2) **NATIONAL PACIFIC DENTAL, INC** related to the Managed Care Dental Agreement; 3) **UNITEDHEALTHCARE INSURANCE COMPANY** related to the Group Dental Indemnity Agreement; 4) **AMERICAN FAMILY LIFE ASSURANCE COMPANY OF COLUMBUS** related to the agreement for voluntary supplemental insurance coverage and administration of flexible spending accounts; and 5) the amendment and restatement of the City of Houston Employees' Section 125 Plan, including healthcare and dependent care reimbursement arrangements, all effective May 1, 2011; approving and authorizing various health care plans, dental plans and supplemental insurance benefits for City employees, retirees, deferred retirees, survivors and certain dependents, effective May 1, 2011 - 3 Years with two one-year options - \$84,000,000.00 - Health Benefits Fund
13. ORDINANCE amending Ordinance No. 97-1167 and approving and authorizing an amended and restated Subrecipient Loan Agreement between the City of Houston and **HOUSTON BUSINESS DEVELOPMENT, INC (HBDI)** to consolidate the original Loan Agreement and the prior amendments thereof for HBDI to implement and administer for the City the Micro-Enterprise Loan Program and the Small Business Loan Program pursuant to the City's Section 108 Loan Guarantee Assistance Contract with the United States Department of Housing and Urban Development - **DISTRICT D - ADAMS**
14. ORDINANCE approving and authorizing City of Houston to enter into first contract amendment with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to add three school sites and to provide an additional \$60,000.00 to administer an After School Achievement Program - Grant Funds **DISTRICTS C - CLUTTERBUCK and D - ADAMS**
15. ORDINANCE approving and authorizing contract between the City of Houston and **AKIN GUMP STRAUSS HAUER & FELD LLP** for representation before the United States Congress and Federal Agencies; establishing a maximum contract amount - 3 Years - \$828,000.00 - General Fund
16. ORDINANCE amending Ordinance No. 99-0161, as amended, (Passed by City Council February 24, 1999) to increase the maximum contract amount for the contract between the City of Houston and **FROST NATIONAL BANK** for Automated Filing Fee Payment Services for the Houston Police Department - \$90,000.00 - General and Dangerous Building Consolidated Funds
17. ORDINANCE awarding contract to **PHONOSCOPE, INC** for High-Capacity, Fiber Circuit Services for the Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,463,732.33 - Central Service Revolving Fund

**RESOLUTIONS AND ORDINANCES** - continued

18. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath three tracts of land containing 18.180 acres commonly known as 800 Burnett Street, Houston, Texas and portions of Keene Street, Trentem Street (a/k/a Trentham Street), North Main Street, Naylor Street, Vine Street, and Daly Street rights of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ**
19. ORDINANCE appropriating \$2,231,093.00 out of Water & Sewer System Consolidated Construction Fund, rejecting apparent low bidder; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for FY11 Water Distribution System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**MATTERS HELD** - NUMBERS 20 through 28

20. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$5,324,322.44 and acceptance of work on contract with **GILBANE CONSTRUCTION COMPANY** for Construction of Fire Station 37 - 4.07% over the Guaranteed Maximum Price **DISTRICT C - CLUTTERBUCK - TAGGED BY COUNCIL MEMBER JONES**  
This was Item 4 on Agenda of March 2, 2011
21. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,673,574.53 and acceptance of work on contract with **ALSAY INCORPORATED** for Rehabilitation of Existing Water Wells - 3.99% over the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS; F - HOANG and G - PENNINGTON - TAGGED BY COUNCIL MEMBER JONES**  
This was Item 6 on Agenda of March 2, 2011
22. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ryan L. Dennard, on behalf of McGinnis Cadillac (Kevin McGinnis, Owner), for sale of ±8,840 square-foot portion out of a ±5.7-acre tract of fee-owned land, comprised of Tracts 7, 8, 8A, 9A and 10, Block 4, Sherwood Estates Section 2, out of the E. Williams Survey, A-834, Parcel SY11-028 - **DISTRICT A - STARDIG - TAGGED BY COUNCIL MEMBER STARDIG**  
This was Item 8 on Agenda of March 2, 2011

**MATTERS HELD** – continued

23. ORDINANCE appropriating \$679,470.20 out of Equipment Acquisition Consolidated Fund for the Purchase of Earth Moving Equipment for Various Departments - \$729,316.78 - Enterprise Fund  
**TAGGED BY COUNCIL MEMBER JONES**
- a. RECOMMENDATION from Purchasing Agent to award to **JOHN DEERE COMPANY - A Division of Deere & Company** - \$178,367.98, **HI-WAY EQUIPMENT COMPANY** - \$615,919.00 and **DOGGETT HEAVY MACHINERY SERVICE, LLC** \$614,500.00 for Purchase of Earth Moving and Street Maintenance Equipment through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for Various Departments  
**TAGGED BY COUNCIL MEMBER JONES**  
These were Items 14 and 14A on Agenda of March 2, 2011
24. RECOMMENDATION from Purchasing Agent to **AMEND MOTION #2008-129, 2/13/08, TO INCREASE** spending authority from \$264,391.66 to \$370,148.32 for Chemicals, Lawn, Garden and Insecticide for Various Departments, awarded in part to **PRO ALLIANCE** - \$105,756.66 General Fund - **TAGGED BY COUNCIL MEMBERS JONES and ADAMS**  
This was Item 16 on Agenda of March 2, 2011
25. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS BY AMENDING CHAPTER 14, SECTION 140 through 149** relating to layoffs; containing findings and other provisions relating to the foregoing subject; providing for severability  
**TAGGED BY COUNCIL MEMBER JONES, STARDIG and PENNINGTON**  
This was Item 17 on Agenda of March 2, 2011
26. ORDINANCE determining the population of the City; making findings and containing provisions related to the subject; providing for severability - **TAGGED BY COUNCIL MEMBERS SULLIVAN, BRADFORD, JONES, CLUTTERBUCK and STARDIG**  
This was a portion of Item 18 on Agenda of March 2, 2011 (the question was divided by Motion #2011-160)
- a. ORDINANCE ordering the redrawing of council district boundaries in compliance with the City Charter; making findings and containing provisions related to the subject; providing for severability  
**TAGGED BY COUNCIL MEMBERS SULLIVAN, BRADFORD, JONES, CLUTTERBUCK and STARDIG**  
This was a portion of Item 18 on Agenda of March 2, 2011 (the question was divided by Motion #2011-160)
27. ORDINANCE amending Ordinance No. 2010-066 relating to Single Family Home Repair and Reconstruction; appropriating an additional \$250,000.00 out of TIRZ Affordable Housing Fund (Fund 2409) and reallocating certain Community Development Block Grant Funds and Community Development Block Grant - Disaster Recovery Funds in connection therewith; reducing the number of houses demolished and reconstructed from 33 to 28  
**TAGGED BY COUNCIL MEMBER ADAMS**  
This was Item 21 on Agenda of March 2, 2011
28. ORDINANCE approving and authorizing contract to between the City of Houston and **BURSON-MARSTELLER, LLC** for Advertising, Marketing and Public Relations Services for the Houston Airport System; providing a maximum contract amount - 1 Year with 1 one-year option \$928,500.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**  
**TAGGED BY COUNCIL MEMBERS JONES and ADAMS**  
This was Item 28 on Agenda of March 2, 2011

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Gonzalez first

**ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER**

**NOTE** - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

**CITY COUNCIL CHAMBER - CITY HALL 2<sup>nd</sup> FLOOR - TUESDAY  
MARCH 8, 2011 2:00PM**

**NON-AGENDA**

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2MIN

2MIN

2MIN

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MR. SKIPPER LEE FRAZIER – 4610 S. Wayside – 77087 – 713-644-1166 – Proposed idea to not lay off City Employees

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3MIN

3MIN

3MIN

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MR. TIMOTHY BRANDLEY – 4414 Oak Shadow Dr. – 77091 – 713-683-8628 – Neighborhood Protection/Blind spot in neighborhood

DR. GRACE BUTLER – 4460 Beechnut, Ste. 102 – 77096 – 713-436-1273 – Colorectal Cancer screening and colon information

MR. DAVID JOHNSON – 2104 Canal – 77003 – 832-305-2182 – Water 4,000 new jobs to Houston

MS. TAMMY BETANCOURT – 12018 Wood Hollow Ln. – 77043 – 713-203-0726 – Drainage fees

MS. DARLENE KING – Post Office Box 87784 – 77287 – 832-892-3278 – Sign Ordinance

MR. WILLIAM BEAL – 5814 Overdale – 77033 – no phone – The Wunder Bar Night Club – re opens

**PREVIOUS**

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1MIN

1MIN

1MIN

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MS. PATRICIA MARTIN – Post Office Box 26045 – 77207 – 832-339-0330 – Mayor and staff abuses Government power entrapment, threats, cohesion, intimidation

NOTICE OF PUBLIC HEARING

March 09 2011

NOTICE is hereby given in accordance with Section 552.045(c) of the Texas Local Government Code that the City Council of the City of Houston will conduct a public hearing on Wednesday, March 9, 2011, at 9:00 a.m. in the Council Chambers, 2<sup>nd</sup> floor of the Houston City Hall, 901 Bagby Street, Houston, Texas. The purpose of the public hearing is to receive comment and suggestions from the general public regarding the attached ordinance proposed for approval by City Council to create a Municipal Drainage Utility System. Individuals interested in reserving time to speak at the hearing are encouraged to call 832-393-1100 at least thirty minutes prior to the hearing. Written comments and suggestions will also be accepted at the time of the hearing.

**City of Houston, Texas, Ordinance No. 2011-\_\_\_\_\_**

**AN ORDINANCE ADOPTING ARTICLE XIV TO CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, TO CREATE A MUNICIPAL DRAINAGE UTILITY SYSTEM; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

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**WHEREAS**, the City Council of the City of Houston, Texas (“the City”) received a citizen petition for the amendment of the City Charter pertaining to creation of a dedicated funding source to enhance, improve and renew the City’s drainage systems and streets; and,

**WHEREAS**, in accordance with state law and the City Charter, the City Council placed a proposition (Proposition No. 1) on the November 2, 2010 ballot for the electorate of the City of Houston to consider adoption of the proposed charter amendment relating to street and drainage improvements; and

**WHEREAS**, the proposed charter amendment was approved by the voters of the City of Houston, thereby amending the Charter of the City of Houston to add Section 22 to Article IX of the City Charter to create the Dedicated Drainage and Street Renewal Fund and to provide for the collection of drainage charges beginning July 1, 2011; and

**WHEREAS**, this Ordinance has been prepared for consideration by City Council in conformance with Subchapter C of Chapter 552 of the Local Government Code and the City’s Home-Rule powers under Article XI, Section 5 of the Texas Constitution to create a City of Houston Municipal Drainage Utility System to accomplish the objectives and directives of Section 22, Article IX of the City Charter with regard to streets and drainage; and

**WHEREAS**, precedent to consideration of this Ordinance, the City Council complied with the requirements of Section 552.045 of the Texas Local Code to publish notice, conduct a public hearing, and make appropriate findings; and

**WHEREAS**, the City Council determines that adoption of this Ordinance will benefit the health, safety, and welfare of the citizens of the City of Houston and is in the best interest of the City; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON,  
TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

**Section 2.** That Chapter 47 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article XIV that reads as follows:

**"ARTICLE XIV. MUNICIPAL DRAINAGE UTILITY SYSTEM**

**DIVISION 1. CREATION OF THE SYSTEM**

**Sec. 47-801. Findings.**

Incident to the creation of a municipal drainage utility system, the city council of the City of Houston finds and determines that:

- (1) The city shall establish a schedule of drainage charges against all real property in the city subject to such charges under this article;
- (2) The city shall provide drainage for all real property in the city on payment of drainage charges unless exempt from such payment as provided herein;
- (3) The city shall offer drainage service on nondiscriminatory, reasonable and equitable terms.

**Sec. 47-802. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Benefitted property* means a lot or tract to which drainage service is made available under this article and which discharges into a street, creek, river, slough, bayou, culvert, conduit, inlet, or other channel that forms part of the city drainage utility system.

*Billing year* means each twelve-month period that begins on July 1<sup>st</sup> of one year and ends on June 30<sup>th</sup> of the ensuing year.

*Cost of service*, as applied to the drainage service for any benefitted property, means but shall not be limited to, the prorated cost of the following:

- (1) The acquisition of interests in real property relating to drainage structures, equipment and facilities;
- (2) The acquisition, construction, repair, and maintenance of drainage structures, equipment, and facilities;

- (3) The acquisition of drainage-related architectural, engineering, legal, and related services, plans and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing, or determining the feasibility and practicality of drainage structures, equipment and facilities;
- (4) Providing and operating all drainage-related machinery, equipment, furniture, and facilities;
- (5) Start-up costs of drainage facilities; and
- (6) Administrative costs including bank fees.

*Curb and gutter drainage* means drainage primarily removed from a benefitted property by use of street curbs and gutters to channel the water to a system of underground pipes or culverts.

*Department* means the City of Houston Department of Public Works and Engineering.

*Director* means the director of the Department of Public Works and Engineering or the director's designee.

*Drainage* means streets, curbs, bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses; drainage shall also mean the water so transported.

*Drainage charge* means the charge imposed by the city herein, including penalties, to recover the city's cost in furnishing drainage for any benefitted property and the cost of funding future drainage system improvements.

*Drainage system* means the drainage owned or controlled in whole or in part by the city and dedicated to the service of benefitted property, including provisions for additions to the system. Drainage system components, including but not limited to streets, sidewalks, other dedicated improvements, and supporting right-of-way shall not be considered residential or non-residential property as defined herein.

*Impervious surface* means any area that has been compacted or covered such that it does not readily absorb water or does not allow water to percolate through to undisturbed underlying soil strata. Surface materials considered impervious shall include,

but not be limited to, bricks, pavers, concrete, asphalt, compacted oil-dirt, compacted or decomposed shale, oyster shell, gravel, or granite, and other similar materials. Surface features utilizing such materials and considered impervious shall include, but not be limited to, decks, foundations (whether pier and beam or slab), building roofs, parking and driveway areas, sidewalks, compacted or rolled areas, paved recreation areas, swimming pools, and other features or surfaces that are built or laid on the surface of the land and have the effect of increasing, concentrating, or otherwise altering water runoff so that flows are not readily absorbed.

*Initial billing year* means the City of Houston's initial billing year for drainage charges, which begins on July 1, 2011 and ends on June 30, 2012.

*Notification letter* means the letter mailed by the city to every user, informing the user of the exact drainage charge the user shall be billed per year, beginning July 1, 2011, and any year thereafter. The notification letter will also inform the user of the frequency of billing for drainage charges and the amount per bill due the city, based on the number of billing cycles per year. Changes to the drainage charge caused by changes in the square footage of impervious surface or otherwise may prompt a new notification letter.

*Non-residential property* means any property which is not classified as residential under this article.

*Open ditch drainage* means drainage primarily removed from a benefitted property by use of an open ditch or ditches.

*Parcel* means one or more lots or tracts of land, or portions of lots or tracts.

*Public or private institution of higher education* means a public institution of higher education as defined by Subdivision (8) of Section 61.003 of the Texas Education Code or a private college or university that issues degrees in the state of Texas and is accredited by a recognized accrediting agency as defined by Section 61.003 of the Texas Education Code.

*Public utility* means drainage service that is regularly provided by the city through municipal property dedicated to providing such service to the users of benefitted property within the service area, and that is based on an established schedule of charges, the use of police power to implement the service, and nondiscriminatory, reasonable, and equitable terms as provided under this article.

*Residential property* means any property upon which two or less single family residential units have or had been constructed or placed, including manufactured homes.

*Service area* for the drainage system, or *drainage service area*, means the corporate limits of the City of Houston, as those corporate limits are altered from time to time in accordance with state law and the charter and ordinances of the city. Land annexed for limited purposes shall become part of the service area upon annexation for full purposes.

*State agency* means an administrative agency of the State of Texas; for the purposes of this article, state agency shall not include counties, special districts, or independent school districts.

*User* means the person or entity who owns or occupies a benefitted property.

*Wholly sufficient and privately owned drainage system* means land owned and operated by a person or entity other than the city's drainage utility system, the drainage of which does not discharge into a street, ditch, culvert, creek, river, slough, or other channel that is a part of the city's drainage system.

#### **Sec. 47-803. Creation of municipal drainage utility.**

In the interest of public health and safety and a more efficient and economic operation of drainage facilities of the city, a municipal drainage utility system is created, which shall be a public utility. The utility is created in accordance with the authority of the city as a home rule city pursuant to Article XI, Section 5 of the Texas Constitution; in accordance with Subchapter C of Chapter 552 of the Texas Local Government Code (the Municipal Drainage Utility Systems Act); and in accordance with Section 22 of Article IX of the City Charter. The provisions of Chapter 552, Subchapter C of the Texas Local Government Code, as amended, which are adopted and incorporated into this article by reference; the city charter; this ordinance; and any other provisions of this code relating to drainage shall govern the operation of the utility. The city shall have full authority to operate such municipal drainage utility system. Drainage service will be offered on nondiscriminatory, reasonable and equitable terms within the service area.

#### **Sec. 47-804. Dedication of assets to drainage utility system.**

Existing City of Houston drainage facilities, including all real, personal, or mixed property, materials and supplies are incorporated into the drainage utility as permitted by section 552.046 of the Texas Local Government Code, as amended.

#### **Sec. 47-805. Administration of municipal drainage services.**

The director shall be responsible for the administration of this ordinance including, but not limited to, enacting any procedures or policies necessary for the administration of the drainage system and the drainage charges, developing maintenance and improvement programs, and establishing drainage criteria and standards for operation of the drainage system, in accordance with and subject to the provisions of this ordinance.

Calculation of impervious surface may be adjusted by the director based on utilization of specific storm water management techniques on the benefitted property.

**Secs. 47-806–47-820. Reserved.**

DIVISION 2. FUNDING

**Sec. 47-821. Management of utility funds.**

All drainage charges collected by the city after the effective date of this ordinance and such other monies as may be available to the city for the purpose of drainage shall be used exclusively for creation, operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration and other reasonable and customary expenses associated with the cost of service to provide drainage services within the service area. The income derived from the operation of municipal drainage services shall be maintained in accordance with Section 552.049 of the Texas Local Government Code and Section 22 of Article IX of the City Charter.

**Sec. 47-822. Drainage charge established; exemptions.**

(a) To recover the city's cost of service to provide drainage to benefitted properties there is hereby imposed annual drainage charges calculated as provided herein on all parcels of real property within the drainage service area for which drainage service is made available under this article, save and except for those properties exempted from the payment of drainage charges as provided herein.

(b) The rate applicable to each square foot of impervious surface of a benefitted property shall be determined on the basis of whether the land use of the benefitted property is classified as residential or non-residential. In addition, the rate applicable to a residential property shall be determined on the basis of whether the drainage system for the property is curb and gutter or open ditch.

(c) All drainage charges shall be calculated by applying the appropriate rate per square foot of impervious surface as specified in the Schedule of Rates attached hereto, multiplied by the area in square feet of impervious surface on each benefitted property.

(d) The area of impervious surface on each benefitted property shall be determined on the basis of digital map data associated with tax plats and assessment rolls or other similar reliable data as shall be determined by the director.

(e) In the event a residential property is served by curb and gutter drainage on one or more sides and by open ditch drainage on one or more sides, the appropriate rate shall be determined by the street address for the property and the drainage system that corresponds to that side of the property.

(f) The following are exempt by State law from imposition of a drainage charge:

- (1) Properties appraised for use as and designated as agricultural use property by the respective county appraisal district where the property is located;
- (2) Properties served exclusively by a properly constructed and maintained wholly sufficient and privately owned drainage system;
- (3) State agencies;
- (4) Any public or private institution of higher education.

(g) Other exemptions, if any, from the imposition of a drainage charge shall be as indicated in the Schedule of Rates attached hereto.

**Sec. 47-823. Review and adjustment of drainage rates.**

The drainage rates established herein shall not be raised by city council for a minimum of ten years from the date of adoption; provided, however, that such limitations shall not be applicable when a rate increase is necessitated by the enactment of any state law which directly and negatively impacts the collection of drainage charges under the existing rate structure. Save and except for any rate increase prompted by the enactment of state law, any rate increase shall require a super majority vote of 2/3 of the members of city council to approve. The director shall on a regular basis review available data to verify the amount of impervious surface for benefitted property, and will make adjustments where appropriate to the calculations of the square footage of impervious surface for purposes of determining the drainage charge for benefitted property.

**Sec. 47-824. Verification, correction and appeal.**

(a) *Establishing a system for verification and correction.* The director shall establish and implement a system of verification and correction of drainage charges for each property subject to the drainage charges established by this article. Under such a system, the amount of surface on a particular property determined to be impervious by the city will be reviewed by the city based on documentation provided to the city by the user. The user requesting such a verification must use either the city's officially-designated internet link (available on the city's website specifically for such purpose) or a form provided by the city with the notification letter, and mailed by the user to the city address shown in the notification letter, within the officially-allotted time frame. As a condition of requesting verification and correction, the user shall grant the city reasonable access to the property for the city to independently verify on-site information.

(b) *Request for verification and correction of the city's initial drainage charge.* A user's request for verification and correction of the city's initial drainage charge imposed on a benefitted property shall be forwarded by the user either electronically or in writing to the city within 60 days from the date of the initial notification letter mailed to the user by the city, initially informing the user of:

- (1) The square footage of impervious surface on the benefitted property;
- (2) The rate applicable to each square foot of impervious area; and
- (3) The calculated drainage charge resulting from the multiplication of the user's square footage of impervious surface by the applicable rate.

The documentation to be provided by the user in support of a request to the city for verification and correction shall include, as a minimum, a drawing or other depiction, with accompanying measurements, illustrating the user's claim that the city's calculation of impervious area is in error. To be eligible for verification and correction, any request must as a minimum provide information sufficient to support a correction in the annual drainage charge to the user's favor of at least two percent or \$3.00, whichever is greater. Such documentation shall be forwarded to the city either electronically or via the U.S. Postal Service.

Any documentation submitted to the city for purposes of verification and correction shall also include an affidavit in a form approved by the city attorney whereby the user shall sign and verify under penalty of law that any document the user is submitting to the city is true and correct. A special affidavit form shall be mailed by the city to every user along with the letter of notification.

Based on documentation submitted by the user (provided it was received by the city within the allotted time frame), and information available to the city in its files and databases, the city may increase or decrease the amount of impervious surface on the property for purposes of assessing the drainage charge, and shall adjust the drainage charge accordingly.

The user shall be notified by the city of the outcome of the city's verification and correction process, using the same address and the same medium by which the request was tendered (whether in writing via U.S. Postage or electronically), including advising the user of the adjustment, if any, made to the drainage charge.

If any charge paid by the user during the initial billing year and prior to such adjustment exceeds the amount of the charge as adjusted by the city, the cumulative total of such corrections due the user for payments made prior to such adjustment shall be credited to the user's account and shall be applied against the user's future charges due the city.

If any charge paid by the user in the city's initial billing year and prior to such adjustment falls short of the amount of the charge as adjusted by the city, the cumulative total of such corrections due the city for payments made prior to such adjustment shall be debited to the user's account and shall be applied against the user's future charges due the city.

The facts and information provided by a user in a request to the city for verification and correction shall not form the basis for any subsequent request for verification and correction.

(c) *Request by user for verification and correction of changed impervious surface.* If the user's amount of impervious surface has changed subsequent to the user's initial billing year, and the user notifies the city of such change electronically or in writing and requests the city to verify and correct the drainage charges, the request will be handled as an initial request for verification and correction as provided in Section 47-824(b). Any adjustment in the drainage charge as a result of such request will become effective the first day of the month following the date of the user's request.

(d) *Request by user for verification and correction of change to drainage charge by the city.* The city may periodically review any properties within the service area, shall revise the city's database to reflect any changes that impact the impervious surface, and shall forward a notification letter to the user advising the user of such change. Any request for verification and correction of drainage charges imposed on a benefitted property for changes to property which affect the impervious surface and are added by the city to the city's drainage utility database throughout any year following the city's initial billing year, will be handled as an initial request for verification, as provided in Section 47-824(b). The allotted time frame for submitting such a request shall be 60 days from the date of the letter of notification mailed to the user.

(e) *Appeals.* In the event a user is dissatisfied with the results of the verification and correction process, the user or the user's designated representative may request an appeal. Participation by a user in the verification and correction process as described herein and filing a timely request for appeal shall be a prerequisite to any appeal.

The director shall designate drainage hearing examiners who will be independent of the operation of the city's drainage system, to consider appeals as to whether or not a drainage charge was correctly determined based on the amount of impervious surface on the property.

Any request for such an appeal shall be submitted by the user either online through a specifically-designated link on the city's website, or in writing, no later than fifteen days following the date of the city's notification letter advising the user of the outcome of the verification and correction process.

The user, or the user's designated representative, may select a date and time for the appeal from those available dates shown on the city's online calendar, or if the user does not have access to said calendar, the user shall contact the city to schedule an appeal. The appeal shall be based exclusively on the information and data considered in the verification and correction process. Based on the outcome of the appeal, the drainage charge shall be adjusted accordingly or remain unchanged, and if appropriate, a credit or debit shall be applied to the user's account. The user shall be notified, using the same address and the same medium by which the appeal was tendered (whether in writing via U.S. Postage or electronically) of the outcome of the appeal.

The decision of the hearing examiner, following such appeal, shall be final.

**Secs. 47-825–47-840. Reserved.**

### DIVISION 3. BILLING

**Sec. 47-841. Billing and payment.**

(a) For users billed by the city for other utility charges incurred for a benefitted property, such as water and/or sewer service, the city may bill for drainage charges, identified separately, in the same bill. Otherwise the city shall establish new drainage billing accounts.

(b) An initial notification letter advising the user of the imposition of a drainage charge shall be mailed to all users. Such notice, as well as the bill itself, shall state the drainage charge that will be billed to the user and that failure of a user to pay such charges may result in the discontinuance of city drainage, water and sewer services.

(c) Bills for drainage charges shall reflect the annual charge imposed on a property divided by the user's number of utility billing cycles per year, e.g., if the city is billing a user for drainage on a monthly basis, the user's monthly drainage charge will equal the total annual drainage charge imposed on the property divided by 12 billing cycles per year.

(d) Bills shall be considered as received by the user, whether actually received or not, when deposited by the city in the United States mail, postage prepaid, addressed to the user's last known billing address or when electronically transmitted to the user's last known electronic address.

(e) Payment of bills shall be due when rendered.

**Sec 47-842. Delinquent charges and penalties.**

(a) Any drainage charge due hereunder which is not paid when due may subject the user to late charges and reconnection fees authorized under the provisions of this Code relating to water and sewer charges.

(b) Any drainage charge due hereunder which is not paid when due may subject the user to discontinuance of all utility services provided by the city, including drainage, water and sewer services.

(c) Any drainage charge due hereunder which is not paid when due may be recovered in an action at law by the city, or by any other remedies or penalties provided at law or in Subchapters A and C of Chapter 552 of the Texas Local Government Code.

(d) The employees of the city's drainage utility shall have access, at all reasonable times, to any benefitted properties served by the drainage utility for inspection or repair or for the enforcement of the provisions of this ordinance.

**Sec. 47-843. Determination of payment responsibility.**

Under circumstances where there may be more than one user, either multiple tenants and/or multiple owners, the director shall determine the party responsible for payment of city-billed drainage charges as follows:

- (1) On parcels where multiple utility accounts may exist and more than one tenant may be held responsible for payment of drainage charges within a single parcel or group of parcels belonging to the same owner, the director may choose the common owner of the subject property or properties to be the officially-designated user.
- (2) Where, within a twelve-month period, a rental property has changed tenants two or more times, the director may henceforth choose the owner of the property to be the designated user. Such designation shall have no effect on responsibility for payment of water, sewer or solid waste charges.
- (3) Where multiple residential owners are grouped into a single association responsible for the payment of collective water or sewer charges, the director may designate the association as the official user for all impervious surfaces within the association's purview, regardless of parcel boundaries.

**Sec. 47-844. Applicability of the W.A.T.E.R. fund.**

Beginning the effective date of this article, monies donated to the W.A.T.E.R. Fund, as established by Section 36-61 of this code, shall be available for use in the payment of drainage bills as well as water and sanitary sewer bills. Monies accumulated in the W.A.T.E.R. Fund prior to the effective date of this ordinance shall be used exclusively for water and sanitary sewer bills.

**Secs. 47-845–47-860. Reserved.**

## DIVISION 4. USE OF FUNDS

### **Sec. 47-861. Oversight committee.**

There shall be created an oversight committee of nine members, five members to be appointed by the mayor, including the committee chair, and four members to be appointed by city council, whose members shall advise on drainage project priorities and process. The committee will consist of individuals with significant backgrounds in community development, infrastructure assessments, and other appropriate qualifications. Contractors, engineers or firms participating in any city drainage system project will be ineligible to serve on the committee.

### **Sec. 47-862. No assumed liability.**

Floods from drainage and storm water runoff may occasionally occur which exceed the capacity of the drainage system maintained and financed with the drainage charges. In addition, surface water stagnation and pollution arising from nonpoint source runoff may occasionally occur which exceed the capacity of the drainage system maintained and financed with drainage charges. This ordinance does not imply that properties subject to charges shall always be free from flooding or flood damage, surface water stagnation or nonpoint source pollution or that all flood control and water treatment projects to control the quantity and quality of runoff can be constructed effectively. Nothing whatsoever in this ordinance should be construed as or be deemed to create additional duties on the part of the city to hold the city liable for any damages incurred in a flood or from adverse water quality due to drainage runoff. Nothing in this ordinance shall be deemed to waive the city's immunities under state law or to reduce the need or necessity for flood insurance by property owners within or without the city."

**Section 3.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 4.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2011.**

**APPROVED this \_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

Prepared by Legal Dept. \_\_\_\_\_  
LWS:asw 01/27/2011                      Senior Assistant City Attorney  
Requested by Daniel W. Krueger, P.E., Director, Department of Public Works & Engineering  
L.D. File No. \_\_\_\_\_

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MAR 09 2011

**NOTICE OF PUBLIC HEARINGS**

NOTICE is hereby given in accordance with Section 552.045(c) of the Texas Local Government Code that the City Council of the City of Houston will conduct public hearings on Wednesday, March 9, 2011, and Wednesday, March 23, 2011, beginning at 9:00 a.m. in the Council Chambers, 2nd floor of the Houston City Hall, 901 Bagby Street, Houston, Texas. The purpose of each public hearing is to receive comment from the general public regarding proposed rates under consideration by City Council to establish drainage charges for property subject to implementation of a Municipal Drainage Utility System. The schedule of proposed rates based on possible exemptions is attached. Individuals interested in reserving time to speak at a hearing are encouraged to call 832-393-1100 at least thirty minutes prior to each hearing. Written comments and suggestions will be accepted at the time of each hearing.

**Schedule of Rates (AMENDED AS OF FEBRUARY 8, 2011)**

Each example annual/monthly charge is based on a 5,000 square foot lot with 1,875 square feet of impervious cover.

Possible Exemption(s)	Resulting Rate (per sq. ft. of impervious surface)	Example Annual/ Monthly Charge (1,875 sq. ft. impervious cover x rate = charge; rounded where necessary)
No Exemption	Residential curb & gutter, nonresidential	3.20¢
	Residential open ditch	2.60¢
County	Residential curb & gutter, nonresidential	3.28¢
	Residential open ditch	2.67¢
School Districts	Residential curb & gutter, nonresidential	3.29¢
	Residential open ditch	2.67¢
Religious Organizations	Residential curb & gutter, nonresidential	3.28¢
	Residential open ditch	2.67¢
County & School Districts	Residential curb & gutter, nonresidential	3.36¢
	Residential open ditch	2.73¢
County & Religious Organizations	Residential curb & gutter, nonresidential	3.34¢
	Residential open ditch	2.71¢
School Districts & Religious Orgs	Residential curb & gutter, nonresidential	3.38¢
	Residential open ditch	2.74¢
County, School Districts, & Religious Organizations	Residential curb & gutter, nonresidential	3.44¢
	Residential open ditch	2.80¢

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MAR 09 2011

MOTION NO. 2011 0121

MOTION by Council Member Lovell that the recommendation of the Director of the Houston Airport System, to set a hearing date relating to proposed amendments to Article VI, Chapter 9 of the Code of Ordinances, to amend land use regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, March 9, 2011, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Gonzalez and carried.

Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Adams, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones voting aye  
Nays none

Council Member Sullivan absent on City business

PASSED AND ADOPTED this 16th day of February, 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is February 22, 2011.

City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

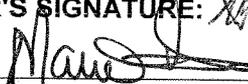
<b>SUBJECT:</b> Motion to set date for public hearing on the proposed amendments to the airport compatible land use regulations for George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), and Ellington Airport (EFD), as required by Section 241.017(c) of the Texas Local Government Code.		<b>Page</b> 1 of 1	<b>Agenda Item</b> # <del>25</del>
<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> February 11, 2011	<b>Agenda Date</b> <del>FEB 16 2011</del>	
<b>DIRECTOR'S SIGNATURE:</b> <i>M. Manduca</i> <i>KR 2/11/11</i>	<b>Council District affected:</b> B, E, & I		
<b>For additional information contact:</b> Eric R. Potts <i>ep</i> Phone: 281-233-1999 Carlos A. Ortiz <i>ca</i> 281-233-1842	<b>Date and identification of prior authorizing Council action:</b> 12/03/2008 (O) 2008-1052 05/27/2009 (M) 2009-0285 08/19/2009 (M) 2009-0618 09/16/2009 (O) 2009-0825 07/14/2010 (M) 2010-0543		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> N/A	<b>Prior appropriations:</b> N/A <i>Suggested date 9AM - 3-9-2011</i>		
<b>RECOMMENDATION: (Summary)</b> Adopt motion to set date for a public hearing on proposed amendments to Article VI, Chapter 9 of the Code of Ordinances, to amend land use regulations in the vicinity of George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD).			
<b>SPECIFIC EXPLANATION:</b> On December 3, 2008, Council adopted Ordinance No. 2008-1052, which added new Article VI to Chapter 9 of the Code of Ordinances ("Article VI"). Article VI regulates land uses around all three Houston airports and was required in order to comply with Federal Aviation Administration (FAA) grant assurances.  The proposed amendments to Article VI would amend the definition of "sensitive land use", allow certain types of public assembly and sensitive land uses in Tier One around the airports, amend the time for submittal of applications to the Board of Adjustment, and provide that filing costs for the affidavit required in certain instances be charged to an applicant.  On January 6, 2011, the Airport Commission adopted a preliminary report and scheduled two public hearings. The Airport Commission held the hearings on February 3, 2011 and February 10, 2011 and approved the final report on February 10, 2011 recommending approval of the proposed amendments to Article VI.  The suggested date for the City Council public hearing is March 9, 2011.			
<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendment to the Airport Compatible Land Use Regulations for George Bush Intercontinental Airport/Houston (IAH), William P. Hobby (HOU) and Ellington Airport (EFD).	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <span style="font-size: 2em; font-weight: bold;">3A</span>
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> February 24, 2011	<b>Agenda Date</b> MAR 09 2011
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<b>DIRECTOR'S SIGNATURE:</b> <i>M. Kae</i> 	<b>Council District affected:</b> B, E, & I
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<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Carlos A. Ortiz <i>CAO</i> 281-233-1842	<b>Date and identification of prior authorizing Council action:</b> 12/03/2008 (O) 2008-1052; 05/27/2009 (M) 2009-0285; 08/19/2009 (M) 2009-0618; 09/16/2009 (O) 2009-0825; 07/14/2010 (M) 2010-0543; 02/16/2011 (M) 2011-0121
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> N/A	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)** Approve an ordinance amending Article VI, Chapter 9, City of Houston Code of Ordinances to: (i) allow for new public assembly and sensitive land uses in Tier One around the airports under certain conditions; (ii) modify the definition of sensitive land use; (iii) simplify the timing of applications by property owners to the Board of Adjustment; and (iv) provide that the recording costs of affidavits required for unplatted property be at the expense of the affiant rather than the City.

**SPECIFIC EXPLANATION:** On December 3, 2008, Council adopted Ordinance No. 2008-1052 which provided for the regulation of land uses around the City's three airports. The Ordinance, now codified as Article VI, Chapter 9, City of Houston Code of Ordinances, was necessary in order to comply with FAA grant assurances which require, in part, the taking of appropriate action "to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including the landing and takeoff of aircraft."

Chapter 14 Code of Federal Regulations, Part 150 ("Part 150") provides guidance to local jurisdictions regarding noise impacts around airports. Currently, Article VI captures that guidance except as it relates to the new construction of "sensitive land uses" and "public assembly uses" in Tier One. Under Part 150, if a local jurisdiction determines such uses are appropriate, construction must be such that a minimum interior sound level of 45dBA is achieved. The amendment to Article VI provides for new construction of sensitive land uses and public assembly uses in Tier One, expressly conditioned upon not only achieving the 45dBA interior sound level, but also expressly conditioned upon the property owner providing the City with an avigation easement and a release as to all noise related claims against the City.

The remaining amendments to Article VI are housekeeping in nature. Item (ii) deletes the phrase "place of public assembly" from the definition of "sensitive land use" because "public assembly use" is currently a stand-alone definition in Article VI. Item (iii) streamlines the current application procedure to the Board of Adjustment by an applicant so that any application that is properly filed with the Director of Aviation will be heard at the next regularly scheduled Board of Adjustment meeting. Item (iv) makes it clear that the recording costs of affidavits filed for unplatted property will be borne by the affiant.

All statutory prerequisites under Chapter 241 of the Local Government Code have been met prior to this requested action including two public hearings held by the Airport Commission on February 3, 2011 and February 10, 2011.

The Airport Commission unanimously voted on February 10, 2011 to forward its final report (the proposed amending ordinance) to Council for consideration and adoption.

REQUIRED AUTHORIZATION		
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

**PROPOSED AMENDMENTS TO COMPATIBLE LAND USE REGULATIONS  
ARTICLE VI, CHAPTER 9, CODE OF ORDINANCE**

Redline to Current Code Provisions

1. Amend the definition of “sensitive use” in Section 9-352:

“Sensitive land use means a childcare facility, nursing home, assisted living center, boarding house, school, ~~place of public assembly~~ or hospital or medical facility.”

2. Amend Item (1) of Subsection (a) of each of Sections 9-403, 9-503, and 9-603 (relating to Bush/IAH, Hobby and Ellington, respectively):

” (1) *Public assembly uses and sensitive land uses.*

- a. No permit shall be issued for the establishment of a new public assembly use or sensitive land use except as provided in paragraph d. of this item.
- b. An existing public assembly use or sensitive land use shall be permitted to enlarge within or renovate an existing structure where it is located, provided that any physical expansion of the structure meets a 45 dBA interior sound level.
- c. An existing public assembly use or sensitive land use shall be permitted to construct new structures within the land area of a master plan for the entity, provided that any new structure meets a 45 dBA interior sound level.
- d. A new public assembly use or sensitive land use shall be permitted under the following conditions:
  - [1] The new use shall be located in a structure that meets a 45 dBA interior sound level; and
  - [2] The owner grants the city an avigation easement and release over the affected property.”

3. Amend Section 9-394 of the Code:

**“Sec. 9-394. Time for submittal.**

~~(a) Complete applications that require action by the board and that are submitted to the department by 11:00 a.m. on the Monday of the week before the next regularly scheduled meeting of the board shall be placed on the agenda for consideration by the board at that meeting. If the Monday of the week preceding a regularly scheduled board meeting is a city holiday, complete applications that are submitted to the department on the first city business day following the Monday holiday shall be placed on the agenda for consideration by the board at that meeting.~~

~~(b) Complete applications shall be reviewed and approved, where appropriate, or referred to the board by the director not later than ten days from the date the complete application was submitted. Applications referred to the board under this subsection shall be placed on the board agenda for the next meeting for which proper notice can be given.~~

~~(c) Applications that require notice to property owners pursuant to section 9-395 of this Code shall be placed on the board agenda for the next meeting for which proper notice can be given.~~

Complete applications shall be reviewed and referred to the board by the director for the next meeting for which proper notice pursuant to section 9-395 of this Code can be given."

4. Amend Section 9-359 of the Code:

**"Sec. 9-359. Notice on plats; affidavit when no subdivision plat required.**

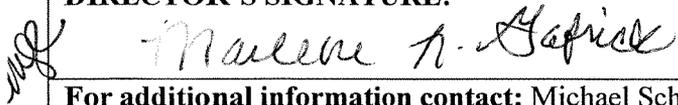
(a) *Subdivisions requiring subdivision plat.* The recorded subdivision plat of any land located wholly or partially within an airport land use envelope shall include on its face the following statement:

NOTICE: Individual lots or parcels within this subdivision may be located in an airport land use tier and may be subject to use restrictions or increased noise or hazard levels associated with air traffic operations.

(b) *For construction on land not requiring subdivision plat.* Prior to the issuance of a ~~city building permit for construction on or development of a residential structure or use on property~~ located within any airport land use tier one or tier two that has been platted prior to the effective date of this article, or that is not otherwise required to be platted, an affidavit in the form prescribed by the

planning director shall be executed by the owners of the property setting forth, at a minimum, the notice language set forth in section (a) of this section. ~~The affidavit shall be recorded by the city in the real property records in the county in which the property is located.~~ The department shall record the affidavit in the real property records in the county in which the property is located, at the expense of the affiant.

(c) Prior to the use of any affidavit form, the city attorney or his designee shall review and approve the affidavit form for legal sufficiency. The affidavit form shall be attached to the permit application as a part thereof, shall include but not be limited to a description of the type of structure or activity for which the permit application is being made and any exhibits referred to therein, and shall be properly sworn to and subscribed before a notary public."

<b>SUBJECT:</b> Approval of a motion adopting Director of Planning and Development's report on the reconsideration of six existing historic districts and approval of a resolution amending the boundaries of First Montrose Commons Historic District.		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 4 + 4 A
<b>FROM (Department or other point of origin):</b> Planning & Development		<b>Origination Date</b> Mar 3, 2011		<b>Agenda Date</b> MAR 09 2011
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council Districts affected:</b> C, D, H		
<b>For additional information contact:</b> Michael Schaffer Phone: 713-837-7780		<b>Date and identification of prior authorizing Council action:</b> October 13, 2010, Ordinance No. 2010-813		
<b>RECOMMENDATION: (Summary)</b> Approval of a motion accepting reports on the reconsideration of six historic districts and approval of a resolution amending the boundaries of First Montrose Commons Historic District.				
<b>Amount and Source of Funding:</b> N/A			<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  In connection with the October 2010 amendments to the historic preservation ordinance in Chapter 33 of the Code of Ordinances, Houston, Texas, a reconsideration ordinance was adopted allowing property owners to request reconsideration of existing historic district designations by filing a reconsideration request signed by 10% of the tract owners in the district. In November 2010, valid reconsideration applications were received by Planning & Development Department for the following six existing historic districts: Avondale West, Boulevard Oaks, First Montrose Commons, Heights East, Heights West, and Norhill. Public meetings were held for all six districts and survey forms indicating support for repeal were mailed to all property owners in the district to be returned within 15 days of the public meeting.  According to the reconsideration ordinance, the Director of Planning and Development may recommend that City Council do one of the following on each request for reconsideration: 1) Take no action with respect to the designation of the historic district, 2) Repeal the resolution creating the historic district if 51% of the tract owners indicate they do not support the continued designation of the historic district, or 3) Amend the resolution designating the historic district to reduce its boundaries. None of the six districts reached the 51% threshold for repeal. For five of the six districts, the Director recommends taking no action with respect to the designation of the historic district. For the First Montrose Commons Historic District, the Director is recommending that its boundary be reduced. The Director's reports containing the findings for each district along with the criteria for review and the Director's recommendations are attached.				
xc: Minnette Boesel, Mayor's Assistant for Cultural Affairs David M. Feldman, City Attorney Deborah McAbee, Land Use Division, Legal Department C.A. McClelland, Chief, Police Department Terry A. Garrison, Chief, Fire Department				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work –Webber, LLC for Rehabilitation of Runway 9-27 at George Bush Intercontinental Airport/Houston (IAH), No. 423 (WBS #A-000514-0002-4-01, A-000514-0002-4-02, A-000514-0002-4-03; Contract No. 4600008758)	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 5
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> January 20, 2011	<b>Agenda Date</b> MAR 09 2011
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<b>DIRECTOR'S SIGNATURE:</b> <i>M. Kae</i> <i>Mandi</i>	<b>Council District affected:</b> B
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<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Robert Bielek <i>RB</i> 281-233-1941	<b>Date and identification of prior authorizing Council action:</b> 04/23/2008 (O) 2008-354
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> N/A <i>J INW</i>	<b>Prior appropriations:</b> 04/23/2008..... \$35,805,112.69 HAS Consolidated 2004 NonAMT Construction Fund (8204)
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**RECOMMENDATION: (Summary)**  
Pass a motion to approve the final contract amount of \$33,838,605.61 or 7.5 percent more than the original contract amount, accept work, and authorize final payment.

**SPECIFIC EXPLANATION:**

The contractor, Webber, LLC, (formerly W. W. Webber, LLC), has completed all work required under this contract in the amount of \$31,478,169.03 for rehabilitation of Runway 9-27 and the related communication and electrical work at George Bush Intercontinental Airport/Houston (IAH). During construction, the Houston Airport System inspected this project.

The final amount of the contract, including Change Order Nos. 1 & 2 in the amount of \$1,816,521.36 and line item overruns in the amount of \$543,915.22, will be \$33,838,605.61 which is 7.5 percent more than the original contract amount. Changes were for unforeseen conditions that were undetermined at the time of design and necessitated additional pavement, drainage, communication and electrical work.

Webber, LLC achieved 21.86 % DBE participation on a 21.0% goal. The Office of Affirmative Action and Contract Compliance and the HAS Small Business Development and Contract Compliance Office gave Webber, LLC a "Satisfactory" rating.

Coordination among the HAS, the contractor and the FAA enabled Runway 9-27 to be returned to service ahead of schedule with minimal impact to air traffic during construction, earning the HAS the FAA's Spirit of Cooperation Award.

REQUIRED AUTHORIZATION		
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>SUBJECT:</b> Accept Work AIA General Contractors, Inc. Underground Storage Tank Remediation, Removal and Installation at Fire Station 28 WBS No. C-000170-0016-4	<b>Page</b> 1 of 1	<b>Agenda Item</b> 6
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b>	<b>Agenda Date</b> MAR 09 2011
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<b>DIRECTOR'S SIGNATURE:</b> Scott Minnix <i>Scott Minnix</i> 2/22/11	<b>Council District affected:</b> C
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No: 10-0524 Dated: 06-30-2010
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**RECOMMENDATION:** Pass a motion approving the final contract amount of \$ 145,222.00 accept the work and authorize final payment.

<b>Amount and Source of Funding:</b> No Additional Funding Required  <b>Previous Funding:</b> \$196,099.00 Fire Consolidated Construction Fund (4500)	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the final contract amount of \$145,222.00, or -4.69% below the original contract amount, accept the work and authorize final payment to AIA General Contractors, Inc. for underground storage tank remediation, removal and installation at Fire Station 28 for the Houston Fire Department.

**PROJECT LOCATION:** 3000 Chimney Rock Street  
 Houston, Texas (Key Map 491-X)

**PROJECT DESCRIPTION:** The project removed two 1,000 gallon diesel underground storage tanks (USTs) along with associated lines, observation wells, manholes and other ancillary equipment. Installed one 5,000 gallon diesel double wall Fiberglass Reinforced Plastic, single compartment UST along with associated appurtenances and installed a new Fuel Force fuel management system. The work also included disposal of aqueous liquid, replaced concrete pavement, waste classification and disposed of debris generated as a result of all activities.

**CONTRACT COMPLETION AND COST:** The contractor completed the project within 150 days: the original contract duration of 120 days plus 30 days approved by Change Order 1. The final cost of the project including Change Orders is \$145,222.00, a decrease of \$7,140.00 below the original contract amount.

**PREVIOUS CHANGE ORDERS:** Change Order 1 granted a non-compensable time extension due to the delay in the fabrication and delivery of the UST from the manufacturer. Change Order 2 provided a credit to the contract for work not required to complete the project.

SM:HB:JLN:GM:FK:fk  
 c: Marta Crinejo, Jacquelyn L. Nisby, Calvin Curtis, Jack Williams, Gabriel Mussio, Martha Leyva, File

**REQUIRED AUTHORIZATION** CUIC ID # 25GM250

<b>General Services Department:</b> <i>Calberto Bautista</i> HB Humberto Bautista, P.E. Assistant Director	<b>Other Authorization:</b>	<b>Houston Fire Department:</b> <i>Terry A. Garrison</i> Terry A. Garrison Fire Chief
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**3000 Chimney Rock  
Houston, TX 77056**

**Underground Storage Tank Remediation, Removal and Installation at:  
Fire Station 28**

**3000 Chimney Rock St.**

**Houston, TX 77056**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8976**

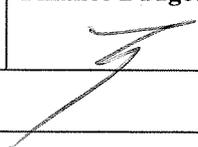
<b>Subject:</b> Purchase of Escalator Parts from the State of Texas Procurement and Support Services Contract for the Convention & Entertainment Facilities Department S19-N23888	<b>Category #</b> 4	<b>Page 1 of 1</b>	<b>Agenda Item</b>  7 + 2A
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<b>FROM (Department or other point of origin):</b> Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	<b>Origination Date</b>  February 18, 2011	<b>Agenda Date</b>  MAR 09 2011
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<b>DIRECTOR'S SIGNATURE</b> 	<b>Council District(s) affected</b> All
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<b>For additional information contact:</b> Stephen Lewis <b>Phone:</b> (713) 853-8888 Ray DuRousseau <b>Phone:</b> (832) 393-8726	<b>Date and Identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)**  
Approve an ordinance authorizing the appropriation of \$247,500.00 out of the C&E Construction Fund (8611) and approve the purchase of escalator parts in the total amount of \$247,500.00 from the State of Texas Procurement and Support Services Contract for the Convention and Entertainment Facilities Department.

<b>Award Amount:</b> \$247,500.00	<b>Finance Budget</b> 
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\$247,500.00 - C&E Construction Fund (8611)

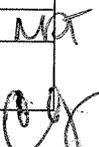
**SPECIFIC EXPLANATION:**  
The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$247,500.00 out of the C&E Construction Fund (8611) and approve the purchase of escalator parts in the total amount of \$247,500.00 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Convention and Entertainment Facilities Department, and that authorization be given to issue a purchase order to the State contractor, Kone, Inc. d/b/a Kone Spares, Inc.

This purchase consists of twelve sets of comb impact assembly devices. These replacement parts will be installed by the current service contractor to partially refurbish twelve of the original eighteen, 24-year-old escalators at the George R. Brown Convention Center, as part of a four-year refurbishment plan. Materials and workmanship are warranted for one year and the life expectancy of the parts is 20 years. The refurbishment will increase the safety and remaining useful life of the escalators.

Section 271.081 through 271.083 of the Texas Local Government Code provides the legal authority for local governments to participate in the State of Texas Purchasing Program.

Buyer: Roy Korthals

**REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> 
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Adopt a Motion Authorizing Issuance of a Purchase Order to Terrain Solutions, Inc. for Underground Storage Tank Removal and Cleanup at 28 Fire Stations WBS No. C-000171-0001-4		<b>Page</b> 1 of 2	<b>Agenda Item</b> 8
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b>	<b>Agenda Date</b> MAR 09 2011
<b>DIRECTOR'S SIGNATURE:</b> Scott Minnix 		<b>Council Districts affected:</b> All	
<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 832-393-8023		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION:</b> Adopt a motion authorizing the issuance of a purchase order in the amount of \$146,000.00 to Terrain Solutions, Inc. for project management and construction oversight for the project.			
<b>Amount and Source of Funding:</b> \$146,000.00 Fire Consolidated Construction Fund (4500) (previously appropriated by Ordinance No. 2011-0163)		<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> On March 2, 2011, Ordinance No. 2011-0163, City Council appropriated \$612,288.90, for underground storage tank removal and cleanup at 28 fire stations. The appropriation included \$146,000.00 to Terrain Solutions, Inc. for project management and construction oversight services for the project. This action will authorize issuance of the purchase order to Terrain Solutions, Inc. for the work.			
<b>PROJECT LOCATIONS:</b> Citywide – Please see attached list.			
<b>PROJECT DESCRIPTION:</b> The scope of work includes soil and groundwater sampling, analytical testing, sample evaluation at each fire station in accordance with regulatory requirements and submitting the appropriate Release Determination Report, if required, to the Texas Commission on Environmental Quality (TCEQ).			
<b>PAY OR PLAY PROGRAM:</b> The proposed purchase order requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, the consultant provides health benefits to eligible employees in compliance with City policy.			
<b>REQUIRED AUTHORIZATION</b>		CUIC ID #25GM252	
<b>General Services Department:</b>  Humberto Bautista, P.E. Assistant Director			

*ms*

*not*

<b>Date</b>	<b>SUBJECT:</b> Approve and Authorize Issuance of a Purchase Order to Terrain Solutions, Inc. for Underground Storage Tank Removal and Cleanup at 28 Fire Stations WBS No. C-000171-0001-4	<b>Originator's Initials</b>  GM	<b>Page</b> 2 of 2
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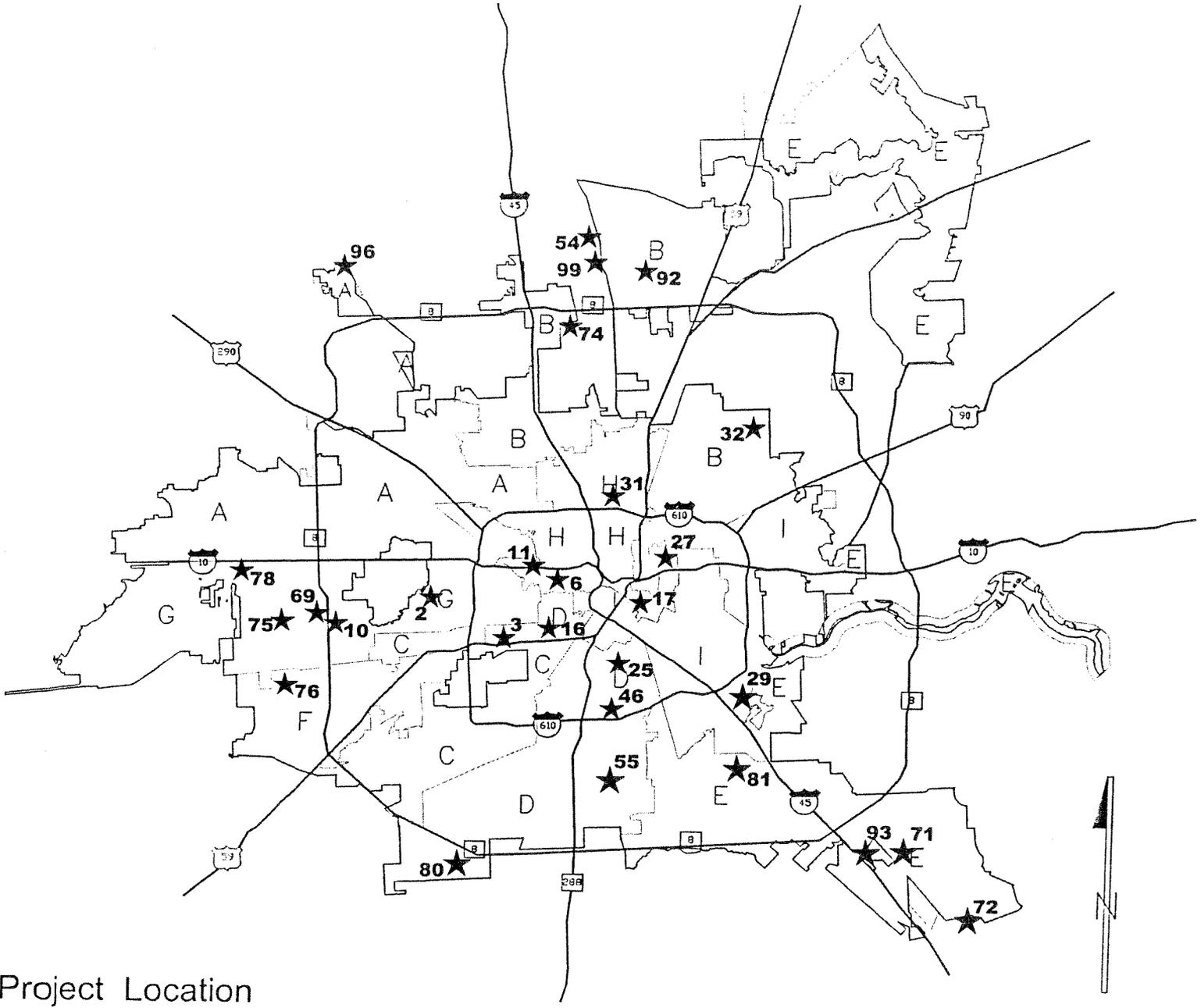
**LIST OF FIRE STATIONS**

<b><u>FIRE STATION</u></b>	<b><u>ADDRESS</u></b>	<b><u>KEY MAP NO.</u></b>	<b><u>COUNCIL DISTRICT</u></b>
Fire Station 2	5880 Woodway	491-K	G
Fire Station 3	3735 W. Alabama	492-S	C
Fire Station 6	3402 Washington	493-E	H
Fire Station 10	6600 Corporate Drive	529-H	F
Fire Station 11	460 TC Jester Blvd.	492-C	H
Fire Station 16	1700 Richmond	492-Z	D
Fire Station 17	2805 Navigation	494-J	H
Fire Station 25	3902 Scott Street	533-D	D
Fire Station 27	6515 Lyons	494-H	H
Fire Station 29	4831 Galveston Road	535-R	I
Fire Station 31	222 W. Crosstimbers	452-M	H
Fire Station 32	8614 E. Tidwell	455-C	B
Fire Station 46	3902 Corder	533-Q	D
Fire Station 54	19006 Aldine Westfield	333-Y	B
Fire Station 55	11212 Cullen	573-H	D
Fire Station 69	1102 West Beltway	489-R	G
Fire Station 71	15200 Space Center Blvd.	618-F	E
Fire Station 72	17401 Saturn	618-Q	E
Fire Station 74	460 Aldine Bender	373-W	B
Fire Station 75	1995 Dairy Ashford	488-R	G
Fire Station 76	7200 Cook Road	529-J	F
Fire Station 78	15100 Memorial Drive	488-C	G
Fire Station 80	16111 Chimney Rock	611-B	D
Fire Station 81	7990 Paul B. Koonce	575-F	E
Fire Station 92	4300 Will Clayton Pkwy.	374-C	B
Fire Station 93	911 FM 1959	617-B	E
Fire Station 96	7409 Willow Chase Blvd.	370-E	A
Fire Station 99	18580 Chanute	373-H	B

SM:HB:JLN:GM:FK:fk

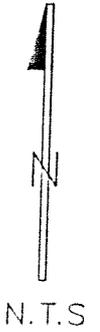
- c: Marta Crinejo  
 Jacquelyn L. Nisby  
 Robert Gellagos  
 Calvin Curtis  
 Gabriel Mussio  
 Martha Leyva  
 File

CITY OF HOUSTON  
HARRIS COUNTY, TEXAS



Project Location

★ FIRESTATION #



Underground Storage Tank Removal and Cleanup:  
(28)- Fire Stations  
Houston, TX

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8899

Subject: Formal Bids Received for Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments S34-N23753

Category # 1 & 4

Page 1 of 2

Agenda Item

9 + 9A

FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department

Origination Date March 02, 2011

Agenda Date MAR 09 2011

DIRECTOR'S SIGNATURE [Signature]

Council District(s) affected All

For additional information contact: Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) Approve an ordinance authorizing the appropriation of \$2,766,738.74 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve various awards as shown below in the total amount of \$5,736,017.83 for automobiles, vans, utility vehicles, and light-duty trucks for various departments.

Award Amount - \$5,736,017.83

Finance Budget

Total Funding: \$5,736,017.83 See Attachment No. 1 for Source of Funding

SPECIFIC EXPLANATION: The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$2,766,738.74 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve various awards as shown below in the total amount of \$5,736,017.83 for automobiles, vans, utility vehicles, and light-duty trucks for various departments and that authorization be given to issue purchase orders. These vehicles will be used citywide by department personnel to conduct City business and provide services to the citizens of Houston. The vehicles being purchased with funding from the Equipment Acquisition Consolidated Fund are included in the adopted Equipment Acquisition Plan.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Fifteen prospective bidders downloaded the solicitation from SPD's e-bidding website and eleven bids were received as itemized in Attachment No. 2, Award Summary.

Philpott Motors, Ltd., d/b/a Philpott Ford: Award on its low bid for Item Nos. 2, 8, 10, 11, 13, 15-22, 25, 27, 29, 32, and 34 in the amount of \$3,006,220.00.

Ron Carter Automotive: Award on its low bid for Item Nos. 7 and 9 in the amount of \$671,943.00.

Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet: Award on its low bid for Item Nos. 3, 4, and 30 in the amount of \$627,321.00.

Tommie Vaughn Motors, Inc.: Award on its low bid for Item Nos. 5, 6, 14, 31, and 38 in the amount of \$466,896.00.

Johnson Whitesboro Ford, d/b/a Holiday Ford: Award on its low bid for Item Nos. 12, 28, 33, 36, and 37 in the amount of \$492,866.83.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

2

Date: 3/2/2011	Subject: Formal Bids Received for Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments S34-N23753	Originator's Initials LB	Page 2 of 2
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**Fred Haas Toyota Country:** Award on its low bid for Item No. 1 in the amount of \$409,136.00.

**Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Ford:** Award on its low bid for Item Nos. 23 and 26 in the amount of \$61,635.00.

Item Nos. 24 and 35 will not be awarded.

These automobiles, vans, utility vehicles, and light-duty trucks will come with a full three-year/36,000-mile bumper-to-bumper warranty, and the truck bodies will come with a full one-year warranty. The life expectancy of these vehicles is seven years or 100,000 miles. For vehicle usage and replacement details, see Attachment No. 3, Equipment Usage Summary. The vehicles that will be replaced have reached their life expectancy and will be sent to auction for disposition. The vehicles that will be purchased meet the EPA's current emission standards for low emission vehicles.

**M/WBE Subcontracting:**

Because these vehicles are manufactured with factory-installed options and are shipped directly to their authorized dealers, the only M/WBE potential for these vehicles is the purchase and installation of vehicle non-factory options. This bid was advertised with a 5% M/WBE goal for the purchase and installation of non-factory equipment options for all items with the exception of Bid Item Nos. 1-5, 7, 11-13, and 17, which did not require any non-factory equipment options. To the extent possible, the suppliers listed below have agreed to subcontract the purchase and installation of non-factory equipment options.

Recommended Supplier	Bid Items with M/WBE Goal	M/WBE Supplier	M/WBE Potential Award Amount	M/WBE Participation Amount	Percentage
Philpott Ford	10, 27, 29, 32, 34	General Truck Body	\$2,720,747.00	\$124,551.00	4.6%
Caldwell Chevrolet	30	General Truck Body	\$627,321.00	\$47,180.00	7.5%
Tommie Vaughn Motors	6, 14, 31, 38	General Truck Body	\$401,631.00	\$35,183.00	8.76%
Caldwell Ford	23, 26	General Truck Body	\$61,635.00	\$1,300.00	2%

Buyer: Larry Benka

- Attachments: 1. Funding Source Summary  
2. Award Summary  
3. Equipment Usage Summary

**S34-N23753 Funding Source Summary  
RCA 8899**

<b>FUND</b>	<b>FY</b>	<b>FUND DESCRIPTION</b>	<b>FUND AMOUNT</b>
1800	11	Equipment Acquisition Consolidated Fund	\$2,766,738.74
2302	11	Stormwater Fund	\$228,703.00
2304	11	Mobility Response Fund	\$84,750.00
2401	11	Cable Television Fund	\$38,609.00
5030	11	State Energy Conservation Office Fund	\$47,954.10
8012	11	HAS-AIF Capital Outlay Fund	\$498,735.00
8305	11	PWE-Combined Utility System General Purpose Fund	<u>\$2,070,527.99</u>
<b>Total Funding</b>			<b>\$5,736,017.83</b>

**AWARD SUMMARY  
FOR  
AUTOMOBILES, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS  
BID S34-N23753  
RCA 8899**

**Philpott Motors, Ltd., d/b/a Philpott Ford:** Award on its low bid for the following items in the amount of \$3,006,220.00

- Item No. 2: Twelve 4-door, 6-cylinder, gasoline-powered, automobiles;
- Item No. 8: Four heavy-duty 4-door, 2-wheel drive, 8-cylinder, gasoline-powered, utility vehicles;
- Item No. 10: Four full-size, 8600-lb Gross Vehicle Weight Rating (GVWR), 8-cylinder, gasoline-powered, cargo vans;
- Item No. 11: One full-size, 8600-lb GVWR, 8-cylinder, gasoline-powered, extended cargo van;
- Item No. 13: Five full-size, 8-cylinder, gasoline-powered, 15-passenger vans,
- Item No. 15: One short bed, regular cab, 6/8-cylinder, gasoline-powered, 1/2 ton pick-up truck,
- Item No. 16: Eighty-two long bed, regular cab, 6/8- cylinder, gasoline-powered, 1/2 ton pick-up trucks,
- Item No. 17: Six short bed, extended cab, 6/8-cylinder, gasoline-powered, 1/2 ton pick-up trucks,
- Item No. 18: Three long bed, crew cab, 8-cylinder, gasoline-powered, 3/4 ton pick-up trucks,
- Item No. 19: Seven long bed, extended cab, 8-cylinder, gasoline-powered, 3/4 ton pick-up trucks,
- Item No. 20: Thirteen long bed, regular cab, 8-cylinder, gasoline-powered, 3/4-ton pick-up trucks;
- Item No. 21: A long bed, regular cab, dual rear-wheel, 8-cylinder, gasoline-powered, 1-ton pick-up truck,
- Item No. 22: A long bed, regular cab, dual rear wheel, diesel-powered, 1-ton pick-up truck;
- Item No. 25: A long bed, 6-passenger, crew cab, dual rear-wheel, 8-cylinder, gasoline-powered, 1-ton pick-up truck,
- Item No. 27: Eight 8,600-lb GVWR, 56" CA, regular cab, single rear-wheel, 8-cylinder, gasoline-powered cabs & chassis, mounted with service bodies,
- Item No. 29: Four 11,400-lb GVWR, 60" CA, regular cab, dual rear-wheel, 8-cylinder, gasoline-powered cabs & chassis, three mounted with service bodies and one mounted with a platform/stake body,
- Item No. 32: Two 11,200-lb GVWR, 84" CA, regular cab, dual rear-wheel, 8-cylinder, diesel-powered cabs & chassis, mounted with service bodies,
- Item No. 34: Six 13,000-lb GVWR, 60" CA, regular cab, dual rear-wheel, diesel-powered cabs & chassis mounted with platform/stake bodies,

<u>Company</u>	<u>Amount</u>
1. Ron Carter Automotive	\$ 244,092.00 (Partial Bid/Higher Unit Price)
2. Fred Haas Toyota Country	\$ 251,916.00 (Partial Bid/Higher Unit Price)
3. Sterling McCall Toyota	\$ 265,152.00 (Partial Bid/Higher Unit Price)
4. Chastang Bayou City Ford	\$2,968,157.00 (Partial Bid/Higher Unit Price)
5. <b>Philpott Motors, Ltd., d/b/a Philpott Ford</b>	<b>\$3,006,220.00</b>
6. Johnson Whitesboro Ford, d/b/a Holiday Ford	\$3,012,519.60 (Partial Bid/Higher Unit Price)
7. Tommie Vaughn Motors, Inc.	\$3,170,693.00
8. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Ford	\$3,174,713.00
9. Johnson Grayson Automotive, Inc.	\$3,241,684.37
10. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet	\$3,306,454.00

**AWARD SUMMARY  
FOR  
AUTOMOBILES, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS  
BID S34-N23753  
RCA 8899**

**Ron Carter Automotive:** Award on its low bid for the following items in the amount of \$671,943.00.

- Item No.: 7 Twenty-one light duty, 4-door, two wheel-drive, 6-cylinder, gasoline-powered, utility vehicles,  
Item No.: 9 Thirteen 5,000-lb GVWR, extended, front wheel-drive, 6-cylinder, gasoline-powered, cargo vans.

<u>Company</u>	<u>Amount</u>
1. Fred Haas Toyota Country	\$299.00 (Partial Bid/Higher Unit Price)
2. Sterling McCall Toyota	\$304,733.00 (Partial Bid/Higher Unit Price)
3. Philpott Motors, Ltd., d/b/a Philpott Ford	\$388,883.00 (Partial Bid/Higher Unit Price)
4. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Ford	\$400,496.00 (Partial Bid/Higher Unit Price)
5. Tommie Vaughn Motors, Inc.	\$401,212.00 (Partial Bid/Higher Unit Price)
6. Chastang Bayou City Ford	\$404,525.00 (Partial Bid/Higher Unit Price)
7. Johnson Whitesboro Ford, d/b/a Holiday Ford	\$496,082.78 (Partial Bid/Higher Unit Price)
<b>8. Ron Carter Automotive</b>	<b>\$671,943.00</b>

**Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet:** Award on its low bid for the following items in the amount of \$627,321.00.

- Item No. 3: Seven full size, 4-door, front wheel drive, 6-cylinder, gasoline-powered automobiles,  
Item No. 4: Thirteen 4-door, 2-wheel drive, 8-cylinder, gasoline-powered, 3/4 ton utility vehicles,  
Item No. 30: A 11,400-lb GVWR, 84" CA, regular cab, dual rear-wheel, 8-cylinder, gasoline-powered cabs & chassis mounted with service bodies.

<u>Company</u>	<u>Amount</u>
1. Chastang Bayou City Ford	\$ 27,779.00 (Partial Bid/Higher Unit Price)
2. Johnson Whitesboro Ford, d/b/a Holiday Ford	\$ 28,641.10 (Partial Bid/Higher Unit Price)
3. Philpott Motors, Ltd., d/b/a Philpott Ford	\$161,579.00 (Partial Bid/Higher Unit Price)
4. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Ford	\$162,379.00 (Partial Bid/Higher Unit Price)
5. Tommie Vaughn Motors, Inc	\$163,747.00 (Partial Bid/Higher Unit Price)
<b>6. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet</b>	<b>\$627,321.00</b>
7. Johnson Grayson Automotive, Inc	\$650,911.57

**AWARD SUMMARY  
FOR  
AUTOMOBILES, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS  
BID S34-N23753  
RCA 8899**

**Tommie Vaughn Motors, Inc.:** Award on its low bid for the following items in the amount of \$466,896.00.

- Item No. 5: Three medium-duty, 4-door, 2-wheel drive, 6-cylinder, gasoline-powered utility vehicles,
- Item No. 6: Two hybrid-electric, light-duty, 4-door, 2-wheel front wheel drive, utility vehicles,
- Item No. 14: One long bed, regular cab, 5/6 cylinder, gasoline-powered, compact pick-up truck,
- Item No. 31: Two 11,200-lb GVWR, 60" CA, regular cab, dual rear-wheel, diesel-powered cabs & chassis, one mounted with a service body and one mounted with a dump body,
- Item No. 38: Six 15,000-lb GVWR, 60"CA, crew cab, dual rear-wheel, diesel-powered cabs & chassis, four with mounted platform/stake bodies and two with mounted dump bodies.

<u>Company</u>	<u>Amount</u>
1. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet	\$99,144.00 (Partial Bid/Higher Unit Price)
2. Johnson Grayson Automotive, Inc	\$99,847.97 (Partial Bid/Higher Unit Price)
3. International Trucks of Houston	\$300,032.00 (Partial Bid/Higher Unit Price)
4. Philpott Motors, Ltd d/b/a Philpott Ford	\$389,581.00 (Partial Bid/Higher Unit Price)
<b>5. Tommie Vaughn Motors, Inc</b>	<b>\$466,896.00</b>
6. Caldwell Automotive Partners, LLC Caldwell Country Ford	\$471,274.00
7. Chastang Bayou City Ford	\$473,330.00
8. Johnson Whitesboro Ford, d/b/a Holiday Ford	\$475,357.77

**Johnson Whitesboro Ford, d/b/a Holiday Ford:** Award on its low bid for the following items in the amount of \$492,866.83

- Item No. 12: A full size, 9,500-lb GVWR, 8-cylinder, gasoline-powered, extended cargo-van,
- Item No. 28: Five 9,900-lb GVWR, 60" CA, regular cab, single rear-wheel diesel powered cabs & chassis mounted with service bodies,
- Item No. 33: Six 11,200-lb GVWR, 60" CA, crew cab, dual rear-wheel, diesel-powered cabs & chassis mounted with service bodies,
- Item No. 36: A 15,000-lb GVWR, 60" CA, regular cab, dual rear-wheel, diesel-powered cab & chassis mounted with a service body,
- Item No. 37: A 15,000-lb GVWR, 84" CA, regular cab, dual rear-wheel, diesel-powered cab & chassis mounted with a service body.

<u>Company</u>	<u>Amount</u>
1. International Trucks of Houston	\$ 94,790.00 (Partial Bid/Higher Unit Price)
2. Johnson Grayson Automotive, Inc.	\$240,929.84 (Partial Bid/Higher Unit Price)
3. Caldwell Automotive Partners, LLC d/b/a Caldwell Country Chevrolet	\$242,217.00 (Partial Bid/Higher Unit Price)
4. Chastang Bayou City Ford	\$318,679.00 (Partial Bid/Higher Unit Price)
<b>5. Johnson Whitesboro Ford, d/b/a Holiday Ford</b>	<b>\$492,866.83</b>
6. Caldwell Automotive Partners, LLC d/b/a Caldwell Country Ford	\$501,602.00
7. Philpott Motors, Ltd d/b/a Philpott Ford	\$504,935.00
8. Tommie Vaughn Motors, Inc.	\$506,558.00

**AWARD SUMMARY  
FOR  
AUTOMOBILES, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS  
BID S34-N23753  
RCA 8899**

**Fred Haas Toyota Country:** Award on its low bid for the following item in the amount of \$409,136.00.

Item No. 1: Twenty intermediate, 4-door, hybrid-electric powered, hatchback, automobiles.

<u>Company</u>	<u>Amount</u>
1. Fred Haas Toyota Country	<b>\$409,136.00</b>
2. Philpott Motors, Ltd., d/b/a Philpott Ford	\$427,636.00
3. Sterling McCall Toyota Country	\$436,516.00
4. Tommie Vaughn Motors, Inc.	\$510,520.00
5. Caldwell Automotive Partners, LLC d/b/a Caldwell Country Chevrolet	\$799,800.00

**Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Ford:** Award on its low bid for the following items in the amount of \$61,635.00.

Item No. 23 A short bed, 6-passenger, crew-cab, single rear-wheel drive, diesel powered, 1-ton pick-up truck,  
Item No. 26 A long bed, 6-passenger, crew-cab, dual rear-wheel, diesel powered, 1-ton pick-up truck.

<u>Company</u>	<u>Amount</u>
1. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Ford	<b>\$61,635.00</b>
2. Tommie Vaughn Motors, Inc.	\$63,022.00
3. Chastang Bayou City Ford	\$63,440.00
4. Philpott Motors, Ltd., d/b/a Philpott Ford	\$63,531.00
5. Johnson Grayson Automotive, Inc.	\$66,020.45
6. Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet	\$66,150.00
7. Johnson Whitesboro Ford, d/b/a Holiday Ford	\$74,613.24

**EQUIPMENT USAGE SUMMARY**  
**AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS**  
**FOR VARIOUS DEPARTMENTS – S34-N23753**  
**RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 1 SERIES 358E, HYBRID ELECTRIC, INTERMEDIATE SEDAN	10110765	1	General Services  This vehicle will be used citywide by Department personnel to transport Security Management personnel to various locations in the City for security maintenance and investigative purposes.	24536	15	68,814
	10111447	7	Housing & Community Development  These vehicles will be used citywide by Department personnel to inspect multi-family and single family homes for compliance with City and Federal rules and regulations.	24192	15	51,201
				25350	14	114,301
				30244	11	85,688
				30246	11	75,219
30427				11	66,018	
24195				15	75,750	
10110353	10	Health & Human Services  These vehicles will be used citywide by the Department's Health Lab, Environmental Health Services, and Pharmacy Divisions to transport personnel and job-related equipment and supplies.	30248	11	92,600	
			17868	19	104,506	
			22968	18	90,424	
			23305	18	107,264	
			24377	15	108,560	
			24696	15	101,930	
			27043	13	113,629	
			28536	14	147,170	
			22874	16	67,683	
			28538	12	120,855	
10112146	1	Mayor's Office  This vehicle will be used citywide by the community liaison personnel to attend community meetings and monitor services.	31690	9	89,428	
			30232	11	104,450	
10110281	1	Planning & Development  This vehicle will be used citywide by Department employees to attend neighborhood meetings.	26972	14	71,258	

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 2 SERIES 360B INTERMEDIATE 4-DOOR SEDAN	10111512	12	Houston Fire Department	28288	12	177,394
			These vehicles will be used citywide by the Department's Arson Division Officers for investigations and other assigned duties.	29990	11	174,332
				29992	11	160,513
				28292	12	156,339
				29970	11	131,673
				28454	12	132,403
				28291	12	121,456
				29995	11	115,589
				28451	12	150,416
				28280	12	138,822
				29972	11	150,920
28452	12	126,665				
ITEM NO. 3 SERIES 372B, FULL SIZE, GASOLINE POWERED 4-DOOR SEDAN	10111469 & 10111500	7	Houston Airport System	29797	11	97,014
			These vehicles will be used by Houston Police Department Officers as unmarked units for patrolling the airport and remote perimeters at the George Bush Intercontinental and William P. Hobby Airports.	29799	11	97,566
				31765	9	84,152
				31827	9	103,319
				25759	14	147,867
				28769	12	100,055
				29796	11	95,569
ITEM NO. 4 SERIES 655C 4-DOOR, GASOLINE HEAVY-DUTY UTILITY VEHICLE	10109151	3	Houston Police Department	28868	11	214,512
			These vehicles will be used citywide by the Department's Crime Scene Unit to transport Officers and equipment to crime scenes.	30337	11	193,559
				32517	9	163,376
	10111515	9	Houston Fire Department	31649	9	212,373
			These vehicles will be used citywide by Department personnel to provide EMS and fire suppression services to the citizens of Houston.	31856	9	178,270
				30341	11	162,654
				31847	9	256,358
				35044	5	152,604
				35042	5	150,989
				31654	9	218,259
30342	11	147,285				
33947	6	174,579				

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 4 SERIES 655C 4-DOOR, GASOLINE HEAVY-DUTY UTILITY VEHICLE (Continued)	10109764	1	Public Works & Engineering  This vehicle will be used citywide by the Department to transport employees and equipment for surveying and construction plan reviews.	28765	11	178,670
ITEM NO. 5 SERIES 656B 4-DOOR GASOLINE MEDIUM-DUTY 2-WHEEL DRIVE UTILITY VEHICLE	10109411	1	Public Works & Engineering  This vehicle will be used citywide by Department to transport personnel that support, maintain and manage computer equipment.	24982	15	100,521
	10109615	1	Library  This vehicle will be used citywide by the Department to transport personnel, equipment and supplies to various neighborhood libraries.	32593	8	79,133
	10110408	1	Mayor's Office  This vehicle will be used citywide by the Cable Television Division to transport employees and equipment to various official City of Houston events.	24799	15	108,706

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 6 SERIES 660E, HYBRID ELECTRIC, 4- DOOR, LIGHT- DUTY UTILITY VEHICLE	10110385	1	Houston Airport System  This vehicle will be used at the George Bush Intercontinental Airport by personnel to perform airfield and landside inspections, and respond to emergencies involving the public and airport tenants.	30138	11	65,810
	10110387	1	Houston Airport System  This vehicle will be used at all three airports within the Houston Airport System as a pool car assigned to the Planning Division to conduct and perform duties.	29168	12	101,667
ITEM NO. 7 SERIES 663B, LIGHT-DUTY, 4- DOOR, 2- WHEEL DRIVE, UTILITY VEHICLE	10110001	1	Municipal Court  This vehicle will be used citywide by the Department as a pool vehicle to transport IT, mailroom, and other personnel to satellite facilities and other city locations.	25435	14	125,565
	10108389	5	Public Works & Engineering  These vehicles will be used citywide by the Department to transport personnel, equipment and supplies to various public utility locations.	30771	10	122,285
				21194	17	87,662
				21205	17	91,304
25685				14	100,421	
30169	11	116,269				
10109465	1	Public Works & Engineering  This vehicle will be used citywide by the Department to transport personnel, equipment and supplies to right-of-way locations.	30716	10	215,812	

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 7 SERIES 663B, LIGHT-DUTY, 4- DOOR, 2- WHEEL DRIVE, UTILITY VEHICLE (continued)	10109787	2	Public Works & Engineering  These vehicles will be used citywide by the Department's Construction Branch inspectors to perform inspections on Capital Improvement Projects.	24613 24683	15 15	160,000 134,635
	10110551	3	Public Works & Engineering  These vehicles will be used citywide by the Department to transport safety personnel and equipment to perform accident investigations, field surveys, hazardous spill removal and training.	30728 27552 29248	10 13 12	134,391 126,840 151,532
	10110503	6	Health & Human Services  These vehicles will be used citywide to transport Neighborhood Services and Environmental Health Services Divisions personnel, job-related equipment and supplies.	18941 24636 18934 18936 22931 24368	18 15 18 18 16 15	193,404 172,843 122,736 151,420 134,060 157,531
	10112314	1	Solid Waste Management  This vehicle will be used citywide by the Deputy Assistant Director for supervision of collection operations.	30692	9	156,418
	10112167	2	Mayor's Office  These vehicles will be used citywide to transport Citizens Assistance Office staff and supplies to various community activities.	25402 21717	14 17	94,743 105,419

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 8 SERIES 665C 4-DOOR, GASOLINE, HEAVY DUTY UTILITY VEHICLE	10109183	1	Public Works & Engineering  This vehicle will be used citywide by Department personnel for meter reading, collections, inspections, connections, and repair and replacement of meters.	Shop No. 32407	Age-Yrs. 9	Mileage 110,907
	10109464	1	Public Works & Engineering  This vehicle will be used citywide to transport Storm Water Maintenance personnel, tools, and equipment to City locations.	Shop No. 22935	Age-Yrs. 16	Mileage 218,595
	10110204	1	Public Works & Engineering  This vehicle will be used citywide by Department personnel to visit site locations, monitor contract suppliers, and conduct field audits.	Shop No. 27959	Age-Yrs. 12	Mileage 103,518
	10109584	1	Houston Airport System  This vehicle will be used at the George Bush Intercontinental Airport by the ARFF Chief and the Training Captain to perform their daily tasks.	Shop No. 35462	Age-Yrs. 5	Mileage 101,565

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 9 SERIES 668B GASOLINE, SMALL CARGO VAN	10108386	1	Public Works & Engineering  This vehicle will be used citywide by Department personnel to transport equipment, personnel and supplies to various worksites.	28596	12	117,151
	10110358	1	Health & Human Services  This vehicle will be used citywide to transport Department personnel, job-related equipment and supplies to various worksites.	19517	18	120,104
	10110037 & 10110038	11	Information Technology  These vehicles will be used citywide to transport Department personnel that provide support to the Public Safety Communications Systems that service the Police, Fire, and other Departments.	21718 28868 28870 28871 28872 28873 30337 30349 30826 17493 18017	17 11 12 12 12 12 11 11 10 20 19	117,822 221,060 159,748 86,487 145,941 173,659 199,022 114,709 91,243 111,951 60,991

**EQUIPMENT USAGE SUMMARY**  
**AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS**  
**FOR VARIOUS DEPARTMENTS – S34-N23753**  
**RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 10 SERIES 680C GASOLINE FULL SIZE CARGO VAN	10110767	3	General Services  These vehicles will be used citywide to transport Department personnel, supplies, tools and material to various work locations.	25480 24802 27602	14 15 13	88,955 83,578 95,644
	10110682	1	Mayor's Office  This vehicle will be used citywide to transport Cable Television Division personnel and equipment to various official City of Houston events.	19424	18	31,228
ITEM NO. 11 SERIES 685C GASOLINE , FULL SIZE EXTENDED CARGO VAN	10109630	1	Houston Airport System  This vehicle will be used at all three airports in the Houston Airport System to transport Department personnel, small equipment, supplies and other materials.	30389	11	83,336
ITEM NO. 12 SERIES 687C GASOLINE, FULL SIZE EXTENDED CARGO VAN	10109235	1	Public Works & Engineering  This vehicle will be used citywide to transport Department personnel, tools, and testing equipment to various work locations at the City's wastewater treatment plants.	30187	11	100,450
ITEM NO. 13 SERIES 760C GASOLINE, FULL SIZE 15 PASSENGER VAN	10111098	5	Parks & Recreation  These vehicles will be used citywide by Department personnel to transport children and seniors from community centers to various events in the City.	26775 26773 26774 27581 30480	13 13 13 13 10	118,995 101,607 94,108 126,945 95,191

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 14 SERIES 843B GASOLINE, COMPACT PICKUP TRUCK, REGULAR CAB, LONG BED	10109792	1	Public Works & Engineering  This vehicle will be used citywide by Department personnel for inspections on multiple Capital Improvement Projects.	29326	14	165,183
ITEM NO. 15 SERIES 855C GASOLINE PICKUP TRUCK, 1/2-TON, REGULAR CAB SHORT BED	10109733	1	Houston Airport System  This vehicle will be used at all three airports in the Houston Airport System to transport Construction Inspectors to work locations.	23225	16	58,697
ITEM NO. 16 SERIES 861C GASOLINE PICKUP TRUCK, 1/2-TON, REGULAR CAB, LONG BED	10109044	1	Public Works & Engineering  This vehicle will be used citywide by the Department's Engineering & Construction Division to transport inspectors in the Interagency Group for project field visits and meetings with other local agencies such as Metro, Harris County and the State.	Addition to the Fleet  Currently, the Department has 10 vehicles for this purpose. However, with an increasing number of projects and meetings, this additional vehicle is required to improve the productivity and efficiency of the Engineering Branch.		
	10109104	3	Public Works & Engineering  These vehicles will be used citywide by Department personnel for commercial water/wastewater meter reading, collections, inspections, connections, disconnections and repairs.	31945 31953 32887	9 9 7	101,565 112,764 109,535

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 16 SERIES 861C GASOLINE PICKUP TRUCK, 1/2-TON, REGULAR CAB, LONG BED (Continued)	10109326	64	Public Works & Engineering	27610	13	106,822
			These vehicles will be used citywide by the Department to transport Public Utilities Division personnel, tools, equipment, and materials to City work locations for inspections, repairs, and maintenance of the water and wastewater facilities and distribution systems.	19385	18	200,870
				23276	16	101,866
				26075	14	155,238
				26077	14	124,931
				29560	11	142,487
				29565	11	170,350
				30173	11	111,365
				17347	20	121,250
				19390	18	112,915
				23728	16	93,939
				17225	20	86,707
				17249	20	67,872
				18093	19	127,768
				18125	19	117,284
				18127	19	106,136
				21624	17	142,810
				25796	14	155,663
				25798	14	164,991
				17349	20	100,193
				18107	19	118,810
				26316	14	115,418
				23071	16	114,876
				27119	13	172,249
				29574	11	121,794
				17245	20	118,536
				22946	16	117,242
				23135	16	80,267
				17195	19	120,226
				18168	19	100,745
				23066	16	74,457
				18081	19	94,613
				18106	19	86,033
18108	19	146,008				
18131	19	86,386				
19349	18	161,100				
23067	16	102,456				
23114	16	149,612				
23117	16	117,202				
23132	16	121,408				
23133	16	111,730				
23136	16	133,072				
24907	15	91,942				
21446	17	113,601				

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 16 SERIES 861C GASOLINE PICKUP TRUCK, 1/2-TON, REGULAR CAB, LONG BED (Continued)	10109326 (Continued)		Public Works & Engineering	26326	14	94,194
			These vehicles will be used citywide by the Department to transport Public Utilities Division personnel, tools, equipment, and materials to City work locations for inspections, repairs, and maintenance of the water and wastewater facilities and distribution systems.	26536	14	118,973
				26892	14	118,947
				27276	13	140,991
				30268	11	152,712
				30272	11	209,789
				30300	11	226,826
				30302	11	196,957
				17231	20	118,555
				24819	15	139,130
				25795	14	131,861
				26085	14	103,481
				26322	14	120,320
				26444	14	178,857
				27327	13	160,634
				17134	20	114,868
				22976	16	91,072
				23732	16	142,951
				24820	15	114,32
				25794	14	124,016
	10109698	1	Public Works & Engineering	22785	15	150,000
			This vehicle will be used citywide by the Department's Engineering & Construction Division to transport inspectors to various locations to inspect capital improvement projects.			
	10109796	1	Public Works & Engineering	24682	16	188,790
			This vehicle will be used citywide by Department personnel to conduct field investigations to verify locations of existing water meter boxes and utility lines and new locations requiring water service.			

**EQUIPMENT USAGE SUMMARY**  
**AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS**  
**FOR VARIOUS DEPARTMENTS – S34-N23753**  
**RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT																		
ITEM NO. 16 SERIES 861C GASOLINE PICKUP TRUCK, 1/2-TON, REGULAR CAB, LONG BED (Continued)	10109872	4	Public Works & Engineering  These vehicles will be used citywide by the Department's Engineering & Construction Division to transport inspectors to various locations to inspect capital improvement projects on a daily basis, attend project meetings and respond to citizen complaints.	Additions to the Fleet  There has long been an ongoing requirement for additional vehicles due to an increasing number of projects. Currently, there are 44 inspectors in the Construction Branch but only 30 City vehicles available for assignment. A vehicle allowance is provided to 14 inspectors for driving personal vehicles. Some of these personal vehicles are inadequate for certain projects such as driving onto construction zones and driving to projects requiring high mileage. There is also safety issues involved with providing adequate visible identification of City employees and the vehicles. Some inspectors may be overburdened with certain assignments only because they have City vehicles. The purchase of these additional vehicles will increase the productivity and efficiency of the Branch.																		
	10110769	4	General Services  These vehicles will be used citywide by the Department as mobile workstations and to transport employees, supplies, tools and materials.	<table border="1"> <thead> <tr> <th><u>Shop No.</u></th> <th><u>Age-Yrs.</u></th> <th><u>Mileage</u></th> </tr> </thead> <tbody> <tr> <td>23207</td> <td>16</td> <td>113,659</td> </tr> <tr> <td>25562</td> <td>16</td> <td>92,986</td> </tr> <tr> <td>25406</td> <td>14</td> <td>112,438</td> </tr> <tr> <td>24633</td> <td>15</td> <td>128,830</td> </tr> </tbody> </table>	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>	23207	16	113,659	25562	16	92,986	25406	14	112,438	24633	15	128,830			
	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>																			
23207	16	113,659																				
25562	16	92,986																				
25406	14	112,438																				
24633	15	128,830																				
10111028	4	Parks & Recreation  These vehicles will be used citywide by Department personnel that perform security for parks, swimming pools, community centers and maintenance facilities.	<table border="1"> <thead> <tr> <th><u>Shop No.</u></th> <th><u>Age-Yrs.</u></th> <th><u>Mileage</u></th> </tr> </thead> <tbody> <tr> <td>21278</td> <td>17</td> <td>83,198</td> </tr> <tr> <td>32811</td> <td>8</td> <td>188,239</td> </tr> <tr> <td>32813</td> <td>8</td> <td>164,110</td> </tr> <tr> <td>30784</td> <td>10</td> <td>164,848</td> </tr> </tbody> </table>	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>	21278	17	83,198	32811	8	188,239	32813	8	164,110	30784	10	164,848				
<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>																				
21278	17	83,198																				
32811	8	188,239																				
32813	8	164,110																				
30784	10	164,848																				
ITEM NO. 17 SERIES 862C GASOLINE PICKUP TRUCK, 1/2-TON, EXTENDED CAB, SHORT BED	10110417	5	Houston Police Department  These vehicles will be used citywide by the Mobility Response Team for traffic control.	<table border="1"> <thead> <tr> <th><u>Shop No.</u></th> <th><u>Age-Yrs.</u></th> <th><u>Mileage</u></th> </tr> </thead> <tbody> <tr> <td>32375</td> <td>9</td> <td>132,538</td> </tr> <tr> <td>29232</td> <td>12</td> <td>121,367</td> </tr> <tr> <td>29266</td> <td>12</td> <td>131,087</td> </tr> <tr> <td>38668</td> <td>6</td> <td>133,827</td> </tr> <tr> <td>32209</td> <td>9</td> <td>199,135</td> </tr> </tbody> </table>	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>	32375	9	132,538	29232	12	121,367	29266	12	131,087	38668	6	133,827	32209	9	199,135
	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>																			
32375	9	132,538																				
29232	12	121,367																				
29266	12	131,087																				
38668	6	133,827																				
32209	9	199,135																				
10112165	1	Mayor's Office  This vehicle will be used citywide by Citizen's Assistant personnel to transport small equipment to neighborhood clean-up projects.	<table border="1"> <thead> <tr> <th><u>Shop No.</u></th> <th><u>Age-Yrs.</u></th> <th><u>Mileage</u></th> </tr> </thead> <tbody> <tr> <td>18099</td> <td>11</td> <td>193,376</td> </tr> </tbody> </table>	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>	18099	11	193,376													
<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>																				
18099	11	193,376																				

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

ITEM NO. 18 SERIES 867C GASOLINE PICKUP TRUCK, 3/4 TON, CREW CAB, LONG BED	10109110	3	Houston Police Department	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>	
			These vehicles will be used citywide by the Department to transport Major Offenders Cargo Theft Detail Officers and equipment.	31007	9	44,691	
				33566	7	124,396	
				27066	13	132,664	
ITEM NO. 19 SERIES 868C GASOLINE PICKUP TRUCK, 3/4-TON, EXTENDED CAB, LONG BED	10110008	1	Municipal Courts	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>	
			This vehicle will be used citywide by the Department to transport personnel to move salvage items, for mail runs between satellite locations, and to attend offsite meetings.	29579	11	165,124	
				Public Works & Engineering	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
					28301	12	193,222
					31939	9	158,267
					32995	8	161,320
10109467	3	Public Works & Engineering	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>		
			21360	17	172,994		
10109481	1	Public Works & Engineering	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>		
			21360	17	172,994		
10112924	1	Solid Waste Management	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>		
			30226	11	186,489		
10110003	1	Houston Airport System	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>		
			30927	9	98,857		

**EQUIPMENT USAGE SUMMARY**  
**AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS**  
**FOR VARIOUS DEPARTMENTS – S34-N23753**  
**RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 20 SERIES 872C GASOLINE, PICKUP TRUCK, 3/4-TON, REGULAR CAB, LONG BED	10110233	1	Public Works & Engineering  This vehicle will be used citywide by the Department's Contract Compliance personnel to monitor vendors for contract compliance.	23098	16	116,389
	10112380	1	Solid Waste Management  This vehicle will be used citywide by Department personnel to transport tires to field operations and to maintenance facilities.	30227	11	185,814
	10109834	1	Houston Airport System  This vehicle will be used at the William P. Hobby Airport to transport personnel, tools, equipment and supplies to worksites.	25186*	15	
	10109948, 10109949, 10109990,	4	Houston Airport System  These vehicles will be used at the George Bush Intercontinental Airport to transport airfield/grounds personnel, supplies, and small equipment to worksites.	27258 28447 30972 33264	13 12 9 8	136,367 160,734 65,986 93,462

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 20 SERIES 872C GASOLINE, PICKUP TRUCK, 3/4-TON, REGULAR CAB, LONG BED (Continued)	10111797, 10111799, & 10111820	6	Parks & Recreation  These vehicles will be used citywide by the Department to transport maintenance personnel, equipment and supplies to City swimming pools.	25012 21273 30200 27545 31118 32745	15 17 11 13 10 8	123,163 102,114 92,371 84,573 120,005 132,294
ITEM NO. 21 SERIES 876C GASOLINE PICKUP TRUCK, 1-TON, REGULAR CAB, LONG BED	10109329	1	Public Works & Engineering  This vehicle will be used citywide by the Department to transport personnel, tools, parts and supplies to repair water mains.	27057	13	167,760
ITEM NO. 22 SERIES 876D DIESEL PICKUP TRUCK, 1-TON, REGULAR CAB, LONG BED	10109682	1	Public Works & Engineering  This vehicle will be used citywide by Department personnel to transport a 1,000-gallon capacity fuel tank to various City wastewater treatment plants to fuel stationary and mobile generators.	Addition to the Fleet  Currently, the Department's Wastewater Operations does not have a vehicle in its fleet operations with the capacity to transport the fuel tank and its trailer.		
ITEM NO. 23 SERIES 880D DIESEL PICKUP TRUCK, 1-TON, CREW CAB, SHORT BED	10110834	1	Administration & Regulatory Affairs  This vehicle will be used citywide by Department personnel to transport shelter equipment trailers, mobile power generators and field operations equipment trailers during emergency/disaster situations.	25504	14	87,181

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 25 SERIES 886C GASOLINE PICKUP TRUCK, 1-TON, CREW CAB, LONG BED, DRW	10111027	1	Parks & Recreation  This vehicle will be used citywide by the Department to transport playground construction crews and equipment to City parks.	30990	10	133,896
ITEM NO. 26 SERIES 886D DIESEL PICKUP TRUCK, 1-TON, CREW CAB, LONG BED, DRW	10109463	1	Houston Police Department  This vehicle will be used citywide by the Department's Mounted Patrol Division to transport large-capacity horse trailers.	30794	9	72,776
ITEM NO. 27 SERIES 870C GASOLINE, TRUCK CABS & CHASSIS, 8600-LB. GVWR, 56" CA WITH MOUNTED UTILITY SERVICE BODIES	10111448 10111791 10111792 & 10111794	8	Parks & Recreation  These vehicles will be used citywide by the Department to transport personnel, tools, equipment, and supplies to maintain Park facilities and equipment.	30196 30199 30198 29027 30122 29932 29039 29029	11 11 11 12 11 11 12 12	103,930 99,836 97,815 110,261 98,822 101,311 120,557 98,223
ITEM NO. 28 SERIES 873D DIESEL TRUCK CABS & CHASSIS, 9900-LB. GVWR, 60" CA WITH MOUNTED UTILITY SERVICE BODIES	10111780 10111782 & 10111783	5	Parks & Recreation  These vehicles will be used citywide by the Department to transport personnel, tools, equipment, and supplies to maintain and Park facilities and equipment.	33063 31071 31072 31073 31076	8 10 10 10 10	107,275 105,346 108,923 147,027 127,591
ITEM NO. 29 SERIES 875C GASOLINE TRUCK CAB & CHASSIS, 11,200-LB.GVWR, 60" CA WITH MOUNTED STAKE BED BODY	10109236	1	Public Works & Engineering  This vehicle will be used citywide by Department personnel to transport large equipment items.	Addition to the Fleet  Currently, the Department's Operations Support Branch does not have a 1-ton stake bed truck within its fleet operations. This unit, with an installed lift-gate, will enable personnel to safely load heavy equipment onto the truck. This unit could also be used during high-water emergencies.		

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 29 SERIES 875C GASOLINE TRUCK CABS & CHASSIS, 11,200-LB., 60" CA WITH MOUNTED SERVICE BODIES (Continued)	10109298	3	Public Works & Engineering  These vehicles will be used citywide by the Department to transport field crews and equipment to various work sites for the repair of water main breaks.	26541 26542 26539	13 14 14	158,787 153,448 154,556
ITEM NO. 30 SERIES 875C GASOLINE TRUCK CAB & CHASSIS, 11,400-LB., 84"CA, WITH MOUNTED STAKE BED BODY	10109048	1	Public Works & Engineering  This vehicle will be used citywide by Department personnel to deliver materials and supplies from its central warehouse to various Department locations.	18505	19	75,319
ITEM NO. 31 SERIES 875D DIESEL TRUCK CABS & CHASSIS, 11,200-LB. GVWR, 60" CA WITH A MOUNTED SERVICE BODY AND CRANE	10116583	1	Public Works & Engineering  This vehicle will be used at the Southeast Water Purification Plant by Department personnel to carry tools, supplies, materials and equipment for maintenance and repairs. The crane will be used to lift large pumps and motors.	Addition to the fleet  There is not a similar vehicle in the fleet's inventory at the Southeast Water Purification Plant (SEWPP). Currently, the Public Utilities Division either rents a crane truck or outsources the removal and repair of the equipment. This process delays the repair or replacement of the equipment. Purchasing this vehicle will increase the productivity and efficiency of the maintenance operations at the SEWPP.		
ITEM NO. 31 SERIES 875D DIESEL TRUCK CABS & CHASSIS, 11,200-LB. GVWR, 60" CA WITH A 2/3 CUBIC YARD DUMP BODY	10109678	1	Houston Airport System  This vehicle will be used at the Ellington Airport by Department grounds maintenance personnel to transport small to medium material loads.	18477	18	39,618
ITEM NO. 32 SERIES 875D DIESEL TRUCK CABS & CHASSIS, 11,200-LB. GVWR, 60" CA WITH MOUNTED SERVICE BODY	10109906	2	Houston Airport System  These vehicles will be used at the George Bush Intercontinental Airport by the Department to transport Electrical Systems personnel, tools, supplies and materials.	21532 32900	16 9	43,675 108,203

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
ITEM NO. 33 SERIES 875D DIESEL TRUCK CABS & CHASSIS, 11,200-LB. GVWR, 56" CA, WITH MOUNTED SERVICE BODIES	10109372 & 10109374	6	Public Works & Engineering  These vehicles will be used citywide by the Department's Public Utilities Division to transport work crews, tools and equipment to various work sites.	23746	16	112,490
				21520	16	204,426
	23756			16	125,341	
	26067			14	163,139	
	26273			14	156,170	
	17704			19	109,904	
ITEM NO. 34 SERIES 875D DIESEL TRUCK CAB & CHASSIS, 11,200-LB. GVWR, 60"CA WITH MOUNTED STAKE BED BODY	10109370	1	Public Works & Engineering  This vehicle will be used by citywide by the Department's Public Utilities Division to transport work crews, tools, heavy equipment, supplies and replacement parts for the maintenance and repairs of various lift stations.	18501	19	120,152
	10111026			5	Parks & Recreation  These vehicles will be used citywide by the Department to transport work crews and equipment to various work sites.	26675
		26676	13			113,633
		26678	13			108,953
		26679	13			132,861
		27341	13			98,372
	10111103	1	Parks & Recreation  This vehicle will be used citywide by the Department to transport personnel, tools, supplies, and a trencher unit to correct plumbing and/or irrigation issues at Park facilities.	21913	16	77,338

**EQUIPMENT USAGE SUMMARY  
AUTOS, VANS, UTILITY VEHICLES AND LIGHT-DUTY TRUCKS  
FOR VARIOUS DEPARTMENTS – S34-N23753  
RCA 8899**

BID ITEM NO. DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
ITEM NO. 37 SERIES 930D DIESEL TRUCK CAB & CHASSIS, 15,000-LB. GVWR, 84" CA WITH MOUNTED SERVICE BODY	10109758	1	Public Works & Engineering  This vehicle will be used citywide by Department's Public Utility Division to transport field crews, tools, and equipment for the repair of wastewater lines in response to repair notices and customer complaints.	Addition to the Fleet  This additional unit is required due to expanded service areas. This unit is required to maintain productivity and efficiency in the repair of broken utility lines.		
ITEM NO. 38 SERIES 930D DIESEL TRUCK CABS & CHASSIS, 15,000-LB. GVWR, 60" CA WITH MOUNTED 2/3 CUBIC YARD DUMP BODIES AND STAKE BED BODIES	10109461	2	Public Works & Engineering  These vehicles will be used citywide by the Department's Storm Water Maintenance personnel to transport debris removed from storm sewer inlets and manholes to landfills for disposal.	<u>Shop No.</u> 21913 21927	<u>Age-Yrs.</u> 16 16	<u>Mileage</u> 77,338 156,595
	10110263	4	Public Works & Engineering  These vehicles will be used citywide by the Department's Public Utilities Division to transport field crews and materials to various locations to repair 16-inch or larger water and wastewater utility lines.	<u>Shop No.</u> 21424 21446 25729 25733	<u>Age-Yrs.</u> 14 17 14 14	<u>Mileage</u> 173,261 113,601 101,298 188,480



# Memorandum

**To:** Calvin D. Wells, Deputy Director  
City Purchasing Agent

**From:** Larry Benka  
Procurement Specialist

**Date:** September 9, 2010

**Subject:** MWBE Participation Form

I am requesting a waiver of the MWBE Goal: Yes  No  Type of Solicitation: Bid  Proposal

I am requesting a MWBE goal below 11% Yes  No  \_\_\_\_\_ 5%

I am requesting a revision of the MWBE Goal: Yes  No  Original Goal: \_\_\_\_\_ New Goal: 5% <sup>RDF</sup>

If requesting a revision, how many solicitations were received: \_\_\_\_\_

Solicitation Number: S34-N23753 Estimated Dollar Amount: \$7,000,000.00

Anticipated Advertisement Date: 09/17/2010 Solicitation Due Date: 10/14/2010

Goal On Last Contract: N/A Was Goal met: Yes  No

If goal was not met, what did the vendor achieve: \_\_\_\_\_

Name and Intent of this Solicitation: **Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments**

**Rationale for requesting a Waiver or Revision:**

These vehicles are manufactured and delivered by the manufacturers to their authorized dealers, which are the City's Bidders. The only potential for M/WBE subcontracting in this procurement is the purchase and installation of aftermarket equipment such as toolboxes, strobe lights, spotlights, lift gates, and truck bodies. The aforementioned equipment will not be requested by the City Departments on all bid items; therefore, some bid items will not have any aftermarket equipment and there would be no M/WBE potential for those items. Strategic Purchasing Division has reviewed the current Affirmative Action M/WBE Directory and found a supplier that could provide the requested after-market equipment. It is projected that subcontracts or supply agreements in at least 5% of the value of this contract could be awarded to a certified M/WBE supplier.

Concurrence:

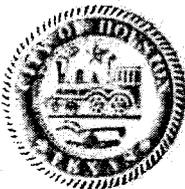
Larry Benka  
Initiator

S. P. [Signature]  
Deputy Assistant Director

Approved:

Calvin D. Wells  
Calvin D. Wells, Deputy Director  
City Purchasing Agent

Robert [Signature]  
ACTING DIRECTOR



**REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:** Resolution amending Resolution No. 2010-54 approving and authorizing the nomination of Cameron International Corporation as an Enterprise Project.

**Category #**

**Page 1 of**  
1

**Agenda Item#**  
10

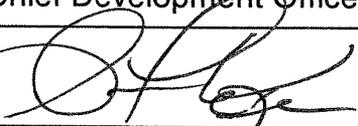
**FROM: (Department or other point of origin):**

Andy Icken, Chief Development Officer

**Origination Date**  
February 25, 2011

**Agenda Date**  
MAR 09 2011

**SIGNATURE:**



**Council Districts affected:**  
District "G" – CM Pennington

**For additional information contact:**

Tim Douglass Phone: 713-837-9857  
Keith R. Phillips Phone: 713-837-0610

**Date and identification of prior authorizing Council Action:**  
Resolution 2010-54 dated 8/25/10

**RECOMMENDATION: (Summary)** Adopt a Resolution amending Resolution No. 2010-54 approving and authorizing the nomination of Cameron International Corporation as an Enterprise Project.

**Amount of Funding:** Not Applicable

**Finance Budget:**

**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund  
 Other (Specify)

**SPECIFIC EXPLANATION:**

On August 25, 2010, City Council adopted Resolution No. 2010-54 nominating Cameron International Corporation ("Cameron") as an Enterprise Project as authorized by the Texas Enterprise Zone Act and City Ordinance No. 2008-118, as amended by City Ordinance No. 2008-359. The State requires this Resolution as part of Cameron's application for enterprise project designation.

To finalize processing Cameron's application, the State has requested that Cameron correct several factual discrepancies in the documentation, including a misstatement in Resolution No. 2010-54 regarding Cameron's location and employment commitment for the project. To allow Cameron to correct all discrepancies in its application, the State has agreed to extend the submission deadline to March 15, 2011.

The Administration recommends that Council adopt a Resolution amending Resolution No. 2010-54 to reflect Cameron's correct location and commitment to a higher employment percentage so that the State may approve Cameron's application for designation as an enterprise project.

cc:    Agenda Director  
      Anna Russell, City Secretary  
      David Feldman, City Attorney  
      Deborah McAbee, Senior Assistant City Attorney

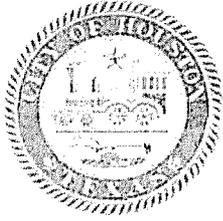
**REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**



**Other Authorization:**



# CITY OF HOUSTON

Economic Development

## Interoffice

Correspondence

To: Marta Crinejo  
Agenda Director

From: Tim Douglass  
Deputy Director  
Economic Development

Date: March 4, 2011

Subject: Amendment to Cameron  
International Corporation Resolution  
nominating for Texas Enterprise  
Zone

On August 25, 2010, the City Council adopted a Resolution nominating Cameron International Corporation as an Enterprise Project, allowing them to complete an application to receive a refund of certain state tax receipts. On February 21, 2011, after review of Cameron's application by the Governor's office, they were notified that there were certain deficiencies in their application.

One of those deficiencies was that they incorrectly placed themselves in an enterprise zone. There were eight other issues raised, all of which have been shown to this office as corrected and re-submitted. The Governor's Office of Economic Development demanded these changes to be submitted by March 7, 2011; subsequently changed to March 15, 2011.

In order to allow timely submission of this last change to the Cameron application, and because there is no scheduled Council meeting the next week, we ask that this receive a "No Tag" ruling. If anyone should have any questions or if we can be of assistance, please have them contact this office.

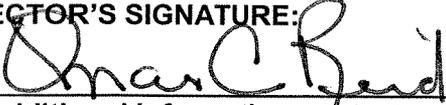
CC: Andy Icken  
Chief Development Officer

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Lease Agreement between the City of Houston and Woolsey Aviation, Inc. DBA Million Air – Houston. – William P. Hobby Airport (HOU).		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  //
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> March 1, 2011	<b>Agenda Date</b> MAR 09 2011	
<b>DIRECTOR'S SIGNATURE:</b> <i>Kae</i> <i>Woolsey</i>		<b>Council District affected:</b> I		
<b>For additional information contact:</b> Janet Schafer <i>INW</i> Phone: 281/233-1796 <i>KP 3/21/11</i>		<b>Date and identification of prior authorizing Council action:</b> 7/18/90 (O) 90-0876		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> REVENUE \$616,635.96 per year (\$51,386.33 monthly)		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance approving and authorizing the execution of a Lease Agreement between the City of Houston and Woolsey Aviation, Inc. DBA Million Air – Houston for certain premises at William P. Hobby Airport (HOU) and concurrently terminating Lease Agreement No. 30552, as assigned, by and between the City of Houston and Woolsey Aviation, Inc. DBA Million Air – Houston.				
<b>SPECIFIC EXPLANATION:</b> On July 18, 1990, the City approved Lease Agreement No. 30552 with Owners Jet of Texas, Inc. (Owners Jet) in which Owners Jet leased both land and improvements at William P. Hobby Airport (HOU) and was granted the non-exclusive right to provide the aircraft fueling, maintenance, servicing and repair services as a general aviation fixed base operator (FBO). Owners Jet was required to make improvements to the leased premises, which Owners Jet subsequently made. Pursuant to a franchise agreement dated November 1, 1996, between Owners Jet and Million Air Interlink, Inc. ("Franchisor"), Owners Jet was granted the right and was conducting business at HOU under the Million Air name. In 1999, Owners Jet and Woolsey Aviation, Inc. (Woolsey) entered into a global assignment and Owners Jet assigned all of its rights and the agreement to Woolsey. Owners Jet and Woolsey obtained the Director of Aviation's consent to the assignment of the agreement as required in the agreement.  Woolsey now requests to terminate the original Lease Agreement No. 30552 and enter into a new Lease. In exchange, Woolsey will construct additional improvements, lease additional improved land, and pay additional rent. The new Lease shall supersede and replace Lease Agreement No. 30552, as assigned, and will set forth the rights, privileges, obligations and duties of Woolsey (Lessee) as an FBO at HOU.  The pertinent terms and conditions of the new Lease are as follows:  1. Leased Premises: Approximately 1,111,622 square feet (approximately 25.5193 acres) of improved land, including approximately 202,636 square feet in eight HOU buildings (seven hangars and one terminal building).  2. Term: The term is for forty (40) years from the date of countersignature, unless sooner terminated in accordance with the terms of the Lease. The Director and Lessee may mutually agree in writing to terminate early.  3. Rent: Based on the average of four independent appraisals, rent will be as follows:				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>



<b>SUBJECT:</b> Ordinance approving and authorizing various contracts relating to health benefits programs for City of Houston's employees, retirees, and their dependents.	<b>Category #</b>	<b>Page 1 of 3</b>	<b>Agenda Item #</b>  12
<b>FROM (Department or other point of origin):</b> Human Resources Department	<b>Origination Date:</b> March 3, 2011	<b>Agenda Date:</b> March 9, 2011	
<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> ALL		
<b>For additional information contact:</b> Omar C. Reid Phone: (713) 837-9330 Candy Clarke Aldridge Phone: (713) 837-9333	<b>Date and identification of prior authorizing Council action:</b> 3/1/2006; 2006-0196		

**RECOMMENDATION: (Summary)**

- a. Adopt three new self-insured health plans: Cigna KelseyCare Plan, Cigna Open Access Plan, and Consumer Driven Health Plan (CDHP) effective May 1, 2011 for three (3) years, with two (2) additional optional renewal years
- b. Approve and authorize an Administrative Services Agreement with Connecticut General Life Insurance Company ("CIGNA") for administration of the KelseyCare Plan, Cigna Open Access Plan, the Consumer Driven Health Plan (CDHP) effective May 1, 2011 for three (3) years, with two (2) additional optional renewal years
- c. Approve and authorize a Managed Care Dental Agreement with National Pacific Dental, Inc. for Managed Care Dental plan effective May 1, 2011 for three (3) years, with two (2) additional optional renewal years
- d. Approve and authorize a Group Dental Indemnity Agreement with UnitedHealthcare Insurance Company for Group Dental Indemnity Plan effective May 1, 2011 for three (3) years, with two (2) additional optional renewal years
- e. Approve and authorize a contract with American Family Life Assurance Company of Columbus ("AFLAC") for Voluntary Supplemental Insurance Coverage and Administrative Services for Flexible Spending Accounts effective May 1, 2011 for three (3) years, with two (2) additional optional renewal years
- f. Amending and restating the City of Houston Employees' Section 125 Plan (Flexible Spending Account) effective May 1, 2011

**Amount of Funding: Total: \$84,000,000**  
 FY11 - \$5,000,000; FY12 - \$26,500,000; FY13 - \$29,500,000; FY14 - \$23,000,000

**Budget:**

**SOURCE OF FUNDING:**      General Fund      Grant Fund      Enterprise Fund

Other (Specify): HEALTH BENEFITS FUND 9000

**SPECIFIC EXPLANATION:**

The city's benefits contracts expire April 30, 2011. This RCA is seeking approval of various contracts for health benefits for the city's 66,000 employees, retirees, and dependents. The city released an RFP in August 2010, requesting proposals for:

- Medical plans
- Dental plans
- Supplemental Insurance plans
- Administrative Services for flexible spending accounts

Twenty-seven proposals were received by the due date in October 2010. Proposals were reviewed, responses were compiled, and financials were analyzed by various consulting firms, Human Resources staff, and members of the Mayor's Health Benefits Advisory Committee. Interviews were conducted in November and December. As a result of intense competition and aggressive City negotiations, total cost for all plans is almost flat for the City and minimal increases to plans fully funded with employee contributions.

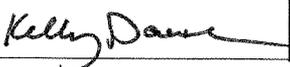
**RECOMMENDATION FOR BENEFITS CONTRACTS**

**Medical:** Connecticut General Life Insurance Company ("Cigna") as administrator for three new self-insured health plans: Cigna KelseyCare Plan, Cigna Open Access Plan, Consumer Driven Health Plan (CDHP)

**Dental:** National Pacific Dental, Inc. for DHMO and UnitedHealthcare Insurance Company for the Dental Indemnity plan

**Supplemental Insurance and Flexible Spending Account Administration:** American Family Life Assurance Company of Columbus ("AFLAC")

**REQUIRED AUTHORIZATION**

Finance Director: 

Other Authorization:

Other Authorization:

**Date:**  
March 3, 2011

**Subject:** Health benefits programs for city employees / retirees

**Originator's  
Initials**

**Page 2 of 3**

The contracts are for three (3) years, with 2 additional optional renewal years.

The health benefits plans represent a 3-year cost of almost \$1 billion. Stringent criteria were used to select Cigna as the plan administrator.

Proposers were evaluated on the basis of several criteria:

1. Ability to handle the city's population of 66,000+ participants
2. Financial competitiveness and ability to keep first-year costs low or flat and a formula to calculate costs for future years
3. Risk protection for the three new self-insured plans
4. Robust health improvement guarantees, which include quality of care
5. Broad geographic access to care

The contract with Cigna is for Administrative Services only. Cigna will perform various services in the contract:

1. Claims payment
2. Case management / disease management
3. Health improvement, with performance guarantees
4. Reporting
5. Provide stop loss insurance protection for the new self-insured plans

#### **NEW HEALTH PLANS**

The city will introduce three new health plans on May 1, 2011. These health plans are designed to keep costs flat for the next year, instead of having to budget for an increased amount for the old plans.

Included as part of the health plans is an extensive wellness program including performance guarantees assuring health improvement of active employees by year 3 of the contract. Cigna's proposed plan model requires greater employee engagement in order for their health guarantees to be valid.

New plan features are summarized in **Attachment A**.

#### **ELIGIBILITY MODIFICATIONS**

1. New hire eligibility is contingent upon completion of a health assessment
2. Retirees and their dependents covered by Medicare will not be eligible for the new plans. They will be eligible only for the five Medicare Advantage plans and Medicare Supplement Plan F (with prescription drug plans)

#### **STOP LOSS INSURANCE**

The City will self-insure the plans and will purchase stop loss protection to limit the financial risk of any catastrophic claims:

1. Individual stop loss coverage in the amount of \$500,000 per incident
2. Aggregate stop loss coverage with aggregate risk corridors of 105% in years one and two and 110% in year three

#### **DENTAL PLANS**

The city will continue to offer a fully-insured dental/health maintenance organization, and a dental indemnity plan. These plans are funded by participant contributions. DHMO rates will increase 3% and dental indemnity rates by 6% in year one, and will remain flat for years two and three.

#### **SUPPLEMENTAL INSURANCE PLANS**

The city will continue to offer 3 fully-insured supplemental insurance products: cancer, accident/disability and hospital plans. The accident/disability benefit is enhanced to cover disabilities on and off the job, with an increase in the monthly benefit from \$750/mo to \$1,000/mo. The cost for this enhancement is only \$.035/month for family coverage. These plans are funded by participants, and rates are guaranteed for 5 years. Rates have remained essentially flat since 1999.

#### **FLEXIBLE SPENDING ACCOUNTS**

On May 1, the city will increase the maximum annual employee contribution to the health care account from \$2000 to \$2500, the new federal limit.

#### **MWBE PARTICIPATION**

All vendors have agreed to show good faith efforts to meet the MWBE goals stated in the RFP:

#### **Health Benefits**

Cigna; MWBE Goal – 15% of direct administrative services fee (\$10,500,000)

Date:  
March 3, 2011

Subject: Health benefits programs for city employees / retirees

Originator's  
Initials

Page 3 of 3

**Subcontractors:**

- Decision Information Resources \$200,000 - \$250,000
- Bayside Printing, Inc. \$150,000 - \$250,000
- Navarro Insurance Group \$525,000 - \$550,000
- Training, Leadership & Consulting, Inc. \$100,000 - \$150,000

**Total - \$1,175,000 - \$1,350,000 - 11 - 13%**

Additionally, Cigna will include the following minority ancillary healthcare services firms in their provider network:

- Cullen Pharmacy
- Strawberry Family Drug and Pharmacy
- Challenge Care Pharmacy
- Diversified Health Care Systems
- B&B Nursing, Inc.

**Dental Benefits**

UnitedHealthcare; MWBE Goal - 10% of direct administrative services fees on DHMO and Dental Indemnity contracts (\$1,897,000)

**Subcontractors:**

- Kennedy Benefits Group \$ 50,000
- Navarro Insurance Group \$325,000

**Total \$375,000 - 20%**

**Supplemental Benefits**

AFLAC; AFLAC has promised a Good Faith Effort to utilize certified MWBEs for administrative services.

**Service Providers:**

- Ellen Krinsky, Inc. (printers)
- Embaye International Enterprise, LLC
- H.P. Guillory, CLU & Associates
- Hairston & Associates
- Miles Insurance Agency

**RECOMMENDATION**

The City requests approval of the following contracts and plans, effective May 1, 2011:

1. Contract with Cigna for administration of new plans and replace HMO/PPO plans with three new self-insured options:
  - Cigna KelseyCare
  - Cigna Open Access
  - Consumer Driven Health Plan (CDHP)
2. Contract with UnitedHealthCare and National Pacific Dental to provide Dental plans.
3. Contract with AFLAC to provide Supplemental Insurance plans and administer the flexible spending accounts.
4. Increase the maximum employee contribution from \$2,000 to \$2,500 to the Flexible spending account
5. Amend and restate the City of Houston Employees' Section 125 Plan (Flexible Spending Account) to be contemporary with federal guidelines

**AMOUNT AND SOURCE OF FUNDING**

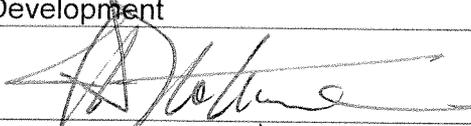
**Administrative Services for Health Plan**

Fund 9000:	FY11 - \$ 5,000,000
	FY12 - \$26,500,000
	FY13 - \$29,500,000
	FY14 - \$23,000,000
	<b>Total \$84,000,000</b>

## ATTACHMENT A

	CIGNA KelseyCare	CIGNA Open Access Plan	Consumer-Driven Health Plan	
			In-network	Non-Network
Network	Kelsey-Seybold Clinics	Large nationwide network (in network only)	Large nationwide network	
COH Funded HCA	N/A	N/A	\$500/\$1,000	
Deductible	\$0	\$400/\$800 (excludes copays & Rx)	\$1,500/\$3,000	\$3,000/\$6,000
Your coinsurance	0%	20%	20%	40%
Out of pocket max	\$1,500/\$3,000	\$3,000/\$6,000	\$5,000/\$10,000	\$10,000/\$20,000
Lifetime max	Unlimited	Unlimited	Unlimited	Unlimited
PCP office visit	\$30	\$35	*Ded + co-ins	Ded + co-ins
Specialist visit	\$60	\$75	Ded + co-ins	Ded + co-ins
Routine physical	\$0	\$0	\$0	\$0
Well man / woman	\$0	\$0	\$0	\$0
Urgent care	\$60	\$75	Ded + co-ins	Ded + co-ins
Hospital admission	\$500/day (\$1,000 PPPY)	Ded + co-ins	Ded + co-ins	Ded + co-ins
ER visit	\$200	Ded + co-ins	Ded + co-ins	Ded + co-ins
Ambulance	\$100	Ded + co-ins	Ded + co-ins	Ded + co-ins
Outpatient surgery	\$300 (\$600 PPPY)	Ded + co-ins	Ded + co-ins	Ded + co-ins
High cost x-ray	\$100	Ded + co-ins	Ded + co-ins	Ded + co-ins
Rx deductible	\$100/\$300	\$0	\$0	\$0
<b>Rx copays</b>				
Generic	\$10	\$10	Ded + co-ins	
Brand - pref.	\$45	20% (\$45 min, \$100 max)	Ded + co-ins	
Brand - non-pref.	\$60	40% (\$55 min, \$150 max)	Ded + co-ins	
Specialty Rx	\$100	40% (\$100 min, \$300 max)	Ded + co-ins	
Mail order	2.5x	2.5x	2.5x	

\* Deductible + coinsurance

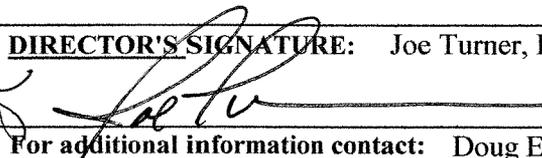
<b>SUBJECT:</b> HBDI 108/EDI Subrecipient Loan Agreement		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 13
<b>FROM (Department or other point of origin):</b> James Noteware, Director Housing and Community Development		<b>Origination Date</b> 12/16/10	<b>Agenda Date</b> MAR 09 2011	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> District D		
<b>For additional information contact:</b> David H. Godwin <i>DHG</i> Phone: 713-868-8351		<b>Date and identification of prior authorizing Council action:</b> 03-0220		
<b>RECOMMENDATION: (Summary)</b> Approve HBDI EDI/108 Subrecipient Loan Agreement Amendment				
<b>Amount of Funding:</b> No Additional Funding Required			<b>Finance Budget:</b>	
<b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) <b>Community Development Block Grant (CDBG) Fund 5000</b>				
<b>SPECIFIC EXPLANATION:</b>				
<p>Pursuant to Ordinance No.97-1167 the City entered into a Subrecipient Loan Agreement with Houston Business Development, Inc. (a non-profit organization) to fund a Small Business Loan Program. On November 12, 1997, pursuant to Ordinance 97-1416, the City entered into a First Amendment and Supplement to the Loan Agreement to increase the scope of services under the Subrecipient Loan Agreement. On December 6, 2000, pursuant to Ordinance No. 00-1070, the City entered into a Second Amendment to the Subrecipient Loan Agreement and Modification Agreement to provide Houston Business Development, Inc. additional funding for the Small Business Loan Program. On January 30, 2002, pursuant to Ordinance No. 02-0068, the City entered into a Third Amendment to continue to commit funds. On March 18, 2003, pursuant to Ordinance 03-0220, the City entered into a Fourth Amendment to allocate additional Section 108 funds and pledged EDI Grant funds to the Small Business Loan Program.</p> <p>Houston Business Development, Inc. is willing to continue to perform and administer the Section 108 Loan portfolio pursuant to the Subrecipient Loan Agreement. There will be no substantial changes to the Loan Agreement. We are replacing the original contract with a new contract due to the number of prior amendments. No additional funding is required.</p>				
xc: City Attorney Mayor's Office City Secretary Finance Department				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

<b>Subject:</b> An ordinance approving and authorizing a First Amendment to the After School Achievement Program (ASAP) Agreement with the Houston Independent School District ("HISD") to add Fondren Middle, Hartsfield Elementary, and Tinsley Elementary as additional ASAP sites.	<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item</b>  <div style="font-size: 2em; text-align: center;">14</div>
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<b>FROM (Department or other point of origin):</b> Houston Parks and Recreation Department	<b>Origination Date:</b> February 7, 2011	<b>Agenda Date</b> MAR 09 2011
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<b>DIRECTOR'S SIGNATURE:</b> Joe Turner, Director 	<b>Council District(s) affected:</b> C & D
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<b>For additional information contact:</b> Doug Earle, 832-395-7290 Twonda Thompson, 832-395-7244 Luci Correa, 832-395-7057	<b>Date and Identification of prior authorizing Council Action:</b> 2010-1045
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**RECOMMENDATION: (Summary):**

The Parks and Recreation Department recommends approval of an ordinance approving and authorizing a First Amendment to the Agreement with HISD to add Fondren Middle, Hartsfield Elementary, and Tinsley Elementary as additional After-School Achievement Program sites.

<b>Amount &amp; Source of Funding:</b>  \$60,000 Juvenile Justice Delinquency Prevention (5010)	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:**

On December 15, 2010, pursuant to Ordinance No. 2010-1045, City Council approved an Agreement with HISD to provide \$635,000 to fund ASAP at 20 locations.

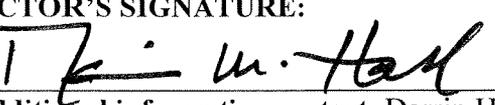
HISD and the City now wish to amend the Agreement to provide an additional \$60,000 to fund the contract for Fondren Middle School, Hartsfield Elementary School, and Tinsley Elementary School as additional ASAP sites.

The Parks and Recreation Department recommends approval of this First Amendment.

**LIST OF PARTICIPATING AGENCIES:**

<u>Houston ISD</u>	<u>Council District</u>	<u>Funding Amount</u>
Fondren Middle School	C	\$20,000.00
Hartsfield Elementary School	D	\$20,000.00
Tinsley Elementary School	D	\$20,000.00

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>SUBJECT:</b> Contract between the City and Akin Gump Strauss Hauer & Feld LLP for representation before the United States Congress and Federal agencies		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 15
<b>FROM (Department or other point of origin):</b> Darrin Hall, Director Mayor's Office of Intergovernmental Relations		<b>Origination Date</b>		<b>Agenda Date</b> MAR 09 2011
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Darrin Hall, Director Phone: 832-393-0833		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> That City Council adopt an ordinance approving a contract between the City of Houston and Akin Gump Strauss Hauer & Feld LLP for professional services related to representing the City before the United States Congress and Federal agencies.				
<b>Amount and Source of Funding:</b> Total Funding - \$828,000 - 3 years – General Fund (1000) (FY 11: \$92,000 Outyears: \$736,000)			<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> The Mayor's Office of Intergovernmental Relations recommends that City Council approve a contract with Akin Gump Strauss Hauer & Feld LLP ("Akin Gump") to advocate for the City before the United States Congress and Federal agencies. The proposed contract term is two years plus a one-year renewal option, with maximum spending authority in the amount of \$828,000, or \$23,000 per month, and is unchanged from previous contract. Outyear funding will be approved as part of the annual budget process each year.  Akin Gump has provided successful federal representation for the City since February 2005, and Nick Lampson-Outreach Strategies have been part of the Akin Gump team since August 2010. Among the firm's accomplishments, they have played a key role in advocating for and securing passage of NASA reauthorization legislation; advocating for funding for authorized programs and for the retention of NASA missions and commercial work at Johnson Space Center and in the Houston region; assisting with an economic development assistance application for the JSC and Ellington Airport area; assisting in securing federal funding for City projects; assisting in working with federal agencies to seek reimbursement and requisite approvals from FEMA related to Hurricane Katrina evacuees; successfully developing a strategy working with other Tier 1 cities to advocate for a larger share of interoperable emergency communications grants; working with other cities to oppose provision that would have preempted lawsuits against online travel companies that withhold a portion of taxes on hotel rooms; assisting in advocating for funding and advancing METRO projects through the federal process and advising Mayor on strategies for working with the Federal Transit Administration to ensure light rail projects could advance; facilitating meetings for Mayor with key Department of Transportation, Department of Housing and Urban Development, Department of Justice, Department of Education, and White House officials in support of City priorities; developing a strategy for securing funding for Community Oriented Policing Services (COPS) from Members of Congress and facilitating meetings for Mayor with senior COPS officials resulting in funding under COPS program; scheduling and accompanying Houston Police Chief on meetings in Washington with Members of Congress and assisting HPD in developing strategies for achieving their objectives and securing funding for law enforcement priorities; and assisting in drafting testimony for Mayor to testify before Senate Commerce Committee regarding interoperable communications and reservation of the "D" Block for first responders.				

Akin Gump will continue to assist the City on a broad range of issues involving federal policy, including ensuring that NASA is sufficiently funded and that Johnson Space Center retains missions and contractor work; pursuing economic development funding for the JSC and Ellington Airport area; identifying federal funding for City priorities related to DNA testing, interoperable communications, parks, energy efficiency, rail and other transportation, health and human services and law enforcement; advocating for legislation that would reserve the "D" Block for first responders; advocating for maximum funding for critical programs, including Community Development Block Grants, law enforcement, NASA and transportation, assisting the City in working with HUD regarding program compliance; and supporting METRO's efforts to secure funding and approvals to construct light rail projects. As in the past, Akin Gump will continue to make the Mayor's Office of Intergovernmental Relations aware of developments in Washington that may affect the City and in developing strategies to achieve the City's objectives in Washington, including maintaining frequent communication with Members of the Houston congressional delegation.

The City solicited proposals through an RFQ in the fall of 2010. An executive selection committee carefully reviewed the 18 proposals that were received and recommended the selection of Akin Gump.

One of the criteria contained in the RFQ was the demonstration of a commitment to diversity and, where appropriate, enhance opportunities for businesses certified by the City's SMEDBE program. Akin Gump shall utilize the services of City certified MWBE firm Outreach Strategists, with Nick Lampson performing the work under the Contract. The Consultant will be paid a fee of \$4,000 per month from the fees paid to Akin Gump by the City. The use of Outreach Strategists will result in 17.4% MWBE participation for this contract which was established with an 11% goal.

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**SUBJECT:** Approve an Ordinance amending Ordinance Number 99-0161 as amended to increase the maximum contract amount for the contract with Frost National Bank for automated filing fee payment services for the Houston Police Department along with allocating and appropriating additional funds (Contract No.C50127).

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1 of 1

Agenda Item #

16

**FROM: (Department or other point of origin):**

Houston Police Department

**Origination Date:**

March 3, 2011

**Agenda Date:**

MAR 09 2011

**DIRECTOR'S SIGNATURE:**

Charles A. McClelland, Jr., Chief of Police

**Council District affected:**

All

**For additional information contact:**

Joseph A. Fenninger Phone: 713-308-1770  
CFO and Deputy Director

**Date and identification of prior authorizing**

**Council action:** Ord. No. 99-0161, 02/24/99  
Ord. No. 06-0621, 06/14/06  
Ord. No. 10-0369, 05/12/10

**RECOMMENDATION: (Summary)** Approve an Ordinance amending Ordinance Number 99-0161 to increase the maximum contract amount for the contract with Frost National Bank for automated filing fee payment services for the Houston Police Department along with allocating and appropriating additional funds (Contract No. C50127).

**Amount and Source of Funding:** \$90,000

\$54,000 – Dangerous Building Consolidated Fund 1801 (FY11 - \$20,000, FY12 \$34,000); \$36,000 General Fund 1000 (FY11 - \$15,000, FY12 - \$21,000)

**Specific Explanation:**

The Houston Police Department Neighborhood Protection Corps is tasked with abating dangerous buildings, weeded lots and other community hazards. When public funds are spent on abatement activities, the Neighborhood Protection Corps files liens with Harris County against the subject property to recover the cost of the work when the property is sold. In February of 1999, the City entered into an agreement with Frost National Bank to provide an electronic payment mechanism, known as the **LegalEase** Electronic Payment System. Frost National Bank issued **LegalEase** debit cards to the City's Neighborhood Protection Corps personnel to pay the fees charged by the Harris County Clerk for recording various real estate documents and for filing liens on behalf of the City. This arrangement allows for an authorized funds transfer from the City's dedicated account with Frost National Bank to Harris County. Frost National Bank then charges the City a fee of \$9.50 per month and \$1.00 per transaction which is deducted from the dedicated account. In calendar year 2010, total bank fees amounted to \$330.78, and the rest of the funds were used to pay the Harris County fees.

In support of these activities, City Council approved Ordinance 2010-0369 on May 12, 2010 to establish a maximum contract amount of \$1,046,100 which included \$125,000 in additional funds. This allocation was to provide funding through August 31, 2011. Due to an increase in the Harris County Clerk filing fees, the number of buildings demolished, and weeded lots cut, the available funding depleted faster than scheduled. The Houston Police Department recommends that City Council approve an ordinance increasing the maximum contract amount by \$90,000 to \$1,136,100 and approve appropriation and allocation of the necessary additional funds. This action will provide funding through August 31, 2011.

Frost National Bank is the proprietary owner of the **LegalEase** Electronic Payment System and the sole source provider for the account services. This recommendation is made pursuant to Article 252, Section I, V.A.C.S. for exempted procurement.

**REQUIRED AUTHORIZATION**

RCA 10TRC008

**Finance:**

**Other Authorization:**

**Other Authorization:**

*[Handwritten signature and date 3/3/11]*

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8669

**Subject:** Approve an Ordinance Awarding a Contract to the Best Respondent for High-Capacity, Fiber Circuit Services for the Information Technology Department  
S10-T23490

Category #  
4 & 5

Page 1 of 2

Agenda Item

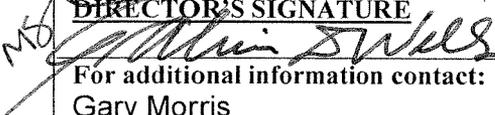
17

**FROM (Department or other point of origin):**  
Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**  
November 24, 2010

**Agenda Date**  
MAR 09 2011

**DIRECTOR'S SIGNATURE**

*MS*  


**Council District(s) affected**  
All

**For additional information contact:**  
Gary Morris Phone: (832) 393-0065  
Douglas Moore Phone: (832) 393-8724

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Phonoscope, Inc., in an amount not to exceed \$2,463,732.33 for high-capacity, fiber circuit services for the Information Technology Department.

Maximum Contract Amount: \$2,463,732.33

**Finance Budget**

\$2,463,732.33 - Central Service Revolving Fund (1002)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to Phonoscope, Inc., in the amount not to exceed \$2,463,732.33 for high-capacity, fiber circuit services for the Information Technology Department. The City Purchasing Agent or designee may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials, supervision, circuits, network monitoring and support, and performance reporting on circuit usage for the City network. The total expenditures proposed over the contract term includes an increase in the number of circuits needed to support City departments and planned bandwidth expansion on existing circuits to better serve enterprise circuit demands. The contract will include existing and future high-bandwidth circuits that connect to the City's core and distribution layers within the enterprise network. The circuits are used citywide to provide primary and redundant data connectivity of COH departments to the City's core network nodes.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. Forty-nine prospective proposers downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from Phonoscope, Inc., AT&T, and Collier Transport, Inc. The evaluation committee was comprised of four expert staff from the Information Technology Department, and the proposals were evaluated based upon the following criteria:

- Conformance to the RFP and SOW Requirements
- NOC Operations and Service Delivery
- Expertise, Experience, and Qualifications
- Pricing

Phonoscope, Inc., received the highest overall score by the Evaluation Committee, and was deemed to be most technically viable and cost-effective. As a result from the Proposer's Best and Final Offer (BAFO), Phonoscope, Inc. will provide the City with an annual cost savings of \$41,908.00, based on the City's current cost of existing fiber circuits.

**REQUIRED AUTHORIZATION**

NDT

Finance Department:

Other Authorization:

Other Authorization:

*MS*

Date: 11/24/2010	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for High-Capacity, Fiber Circuit Services for the Information Technology Department S10-T23490	Originator's Initials GB	Page 2 of 2
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Pay or Play Program:

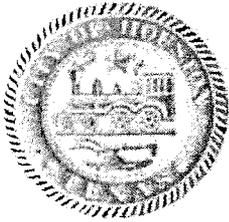
The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

Buyer: Greg Hubbard

**Estimated Spending Authority:**

DEPARTMENT	FY11	OUT YEARS	TOTAL
Information Technology	\$ 328,500.00	\$ 2,135,232.33	\$ 2,463,732.33

Attachment: M/WBE Zero-Percentage Goal Document Approved by the Affirmative Action Division



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

From: Greg Hubbard

Date: December 1, 2009

Subject: MWBE Participation Form

I am requesting a **waiver** of the MWBE Goal: Yes  No  Type of Solicitation: Bid  Proposal

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes  No

I am requesting a **revision** of the MWBE Goal: Yes  No  Original Goal: \_\_\_\_\_ New Goal: \_\_\_\_\_

If requesting a revision, how many solicitations were received: \_\_\_\_\_

Solicitation Number: S10-T23490 Estimated Dollar Amount: \$2,000,000.00

Anticipated Advertisement Date: 12/11/2009 Solicitation Due Date: 1/15/2010

Goal On Last Contract: 0% Was Goal met: Yes  No

If goal was not met, what did the vendor achieve: \_\_\_\_\_

Name and Intent of this Solicitation:  
Fiber Circuits Services

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):  
(To be completed by SPD)

It is recommended that the MWBE subcontracting goal be waived for the Fiber Circuits Services for the Information Technology Department. The services that will be provided in this RFP are not divisible, and are intangible access to high-speed circuits that the City utilizes to transfer voice and data packet from the City Departments to the City's core network nodes. The core networks are designed to address increasing bandwidth demands and transmission speeds at reduced costs through the effective use of Ethernet services and fiber optic technologies. This requirement excludes any opportunity to capture MWBE subcontracting dollars; therefore, a zero-percent (0%) MWBE goal is being sought.

Concurrence:

Greg Hubbard  
SPD Initiator

Douglas Shaw  
Division Manager

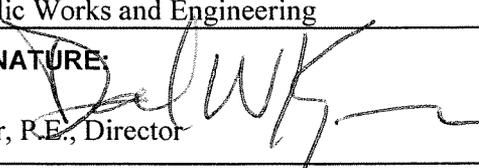
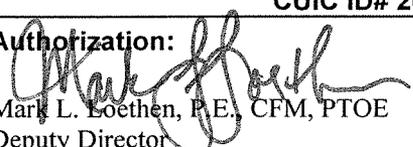
Robert Gallegos  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

Kevin M. Coleman  
Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

\* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

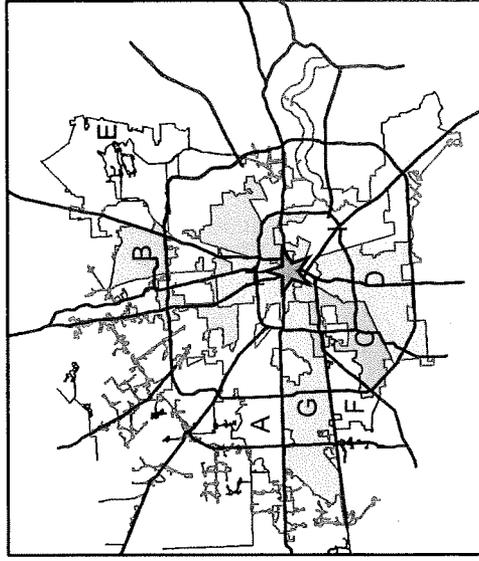
<b>SUBJECT:</b> An ordinance to adopt a Municipal Setting Designation prohibiting the use of designated groundwater for Metropolitan Transit Authority of Harris County (Metro) for the site located at 800 Burnett, Houston, TX 77009. (MSD # 2010-030-NRM)		<b>Page</b> 1 of 1	<b>Agenda Item #</b> 18
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b>	<b>Agenda Date</b> MAR 09 2011
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director		<b>Council District affected:</b> H 06#	
<b>For additional information contact:</b> Carol Ellinger Haddock, P.E. Senior Assistant Director (832) 395-2686 Jedediah Greenfield Staff Analyst (832) 395-2695		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION: (Summary)</b> It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the Metropolitan Transit Authority of Harris County (Metro) site located at 800 Burnett, Houston, TX 77009, and support issuance of an MSD by the Texas Commission on Environmental Quality (TCEQ). (MSD # 2010-030-NRM)			
<b>Amount and Source of Funding:</b> N/A			
<b>BACKGROUND:</b> In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSD), which designates an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the Texas Commission on Environmental Quality (TCEQ) and requires City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting public health. On August 22, 2007, City Council approved an ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support an MSD application to the State (ordinance amended 7/14/2010).			
<b>METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY (METRO) APPLICATION:</b> Metropolitan Transit Authority of Harris County (Metro) is seeking a Municipal Setting Designation (MSD) for approximately 18-acres of land located at 800 Burnett, Houston, TX 77009. The contamination consists of tetrachloroethene, trichloroethene, 1,1-dichloroethene, cis-1,2-dichloroethene, vinyl chloride, benzene, methyl tert-butyl ether, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, indenol(1,2,3-c,d)pyrene, lead, arsenic, and total petroleum hydrocarbons (TPH). The current use is a mixture of commercial and light industrial properties. Underground storage tanks have been removed, and soil and groundwater samples have been collected and analyzed. The areas of contamination has been fully studied and the data shows that they are stable and in most cases decreasing.			
Metro is seeking an MSD for this property to restrict access to groundwater to protect the public against exposure to the contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the site. In addition, a public meeting was held on 1/27/2011 at Jefferson Davis High School, and a public hearing was held on 2/17/2011 in the Council Committee on Development and Regulatory Affairs, both are necessary steps prior to City Council's consideration of support.			
<b>RECOMMENDATIONS:</b> It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the Metro site located at 800 Burnett, Houston, TX 77009, and support issuance of an MSD by the Texas Commission on Environmental Quality.			
DWK:MLL:CEH P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - ORDINANCE SUPPORT.DOC C: Marta Crinejo, Ceil Price			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 20CAE102</b>	
<b>Other Authorization:</b>	<b>Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division	<b>Other Authorization:</b>	

# Municipal Settings Designation Application

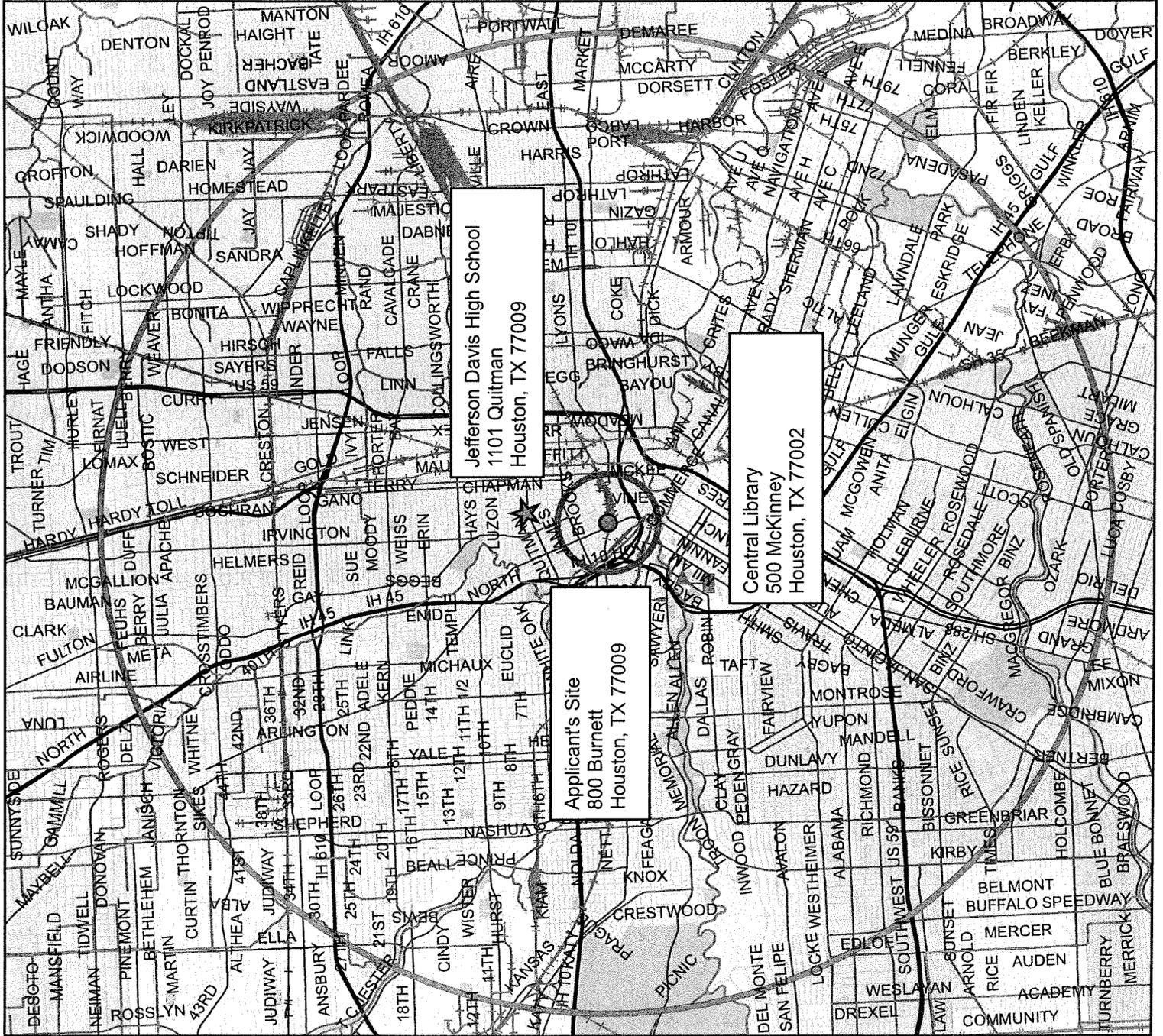
## 2010-030-NRM Vicinity Map

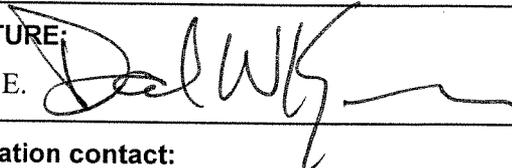
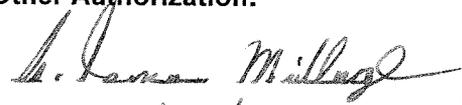
### Legend

-  Library
-  MSD Application
-  Community Center
-  1/2 Mile Notification Area
-  5 Mile Notification Area



This map represents the best information available to the City. The City does not warrant its accuracy or completeness. Field verification should be performed as necessary.



<b>SUBJECT:</b> Contract Award for FY11 Water Distribution System Rehabilitation and Renewal, WBS No. S-000035-0139-4, File No. WA 10981		<b>Category</b>	<b>Page</b> 1 of <u>2</u>	<b>Agenda Item</b> # <u>19</u>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b>	<b>Agenda Date</b> MAR 09 2011	
<b>DIRECTOR'S SIGNATURE:</b> Daniel W. Krueger, P.E. 		<b>Council District affected:</b> All		
<b>For additional information contact:</b> A. James Millage Phone: 713-641-9566 Senior Assistant Director		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Reject low bid, return bid bond, award construction contract to second low bidder and appropriate funds.				
<b>Amount and Source of Funding:</b> \$2,231,093.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. <span style="float: right;"><i>W.P. 2/8/2011</i></span>				
<b>SPECIFIC EXPLANATION:</b> This project will provide for the replacement of water mains and ancillary work.				
<b>DESCRIPTION/SCOPE:</b> Work shall include the repair, improvement and/or new installation on existing service lines and City Water Mains. The main lines range in diameter up to 16 inches and the water service lines range in size from 3/4-inch to 2-inches in diameter. The contract duration for this project is 365 calendar days. This is an on-call contract with projects assigned on an as-needed basis.				
<b>LOCATION:</b> The project area is generally bounded by the City Limits.				
<b>BIDS:</b> Three (3) bids were received for this project on October 14, 2010 as follows:				
		<u>Bidder</u>	<u>Bid Amount</u>	
		1. Metro City Construction, L.P.	\$ 2,036,915.30 (Non-responsible)	
		2. D. L. Elliott Enterprises, Inc.	\$ 2,067,707.90	
		3. Resicom, Inc.	\$ 3,022,278.50	
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">CUIC ID: 20AJM242 <i>MOT</i></span>				
<b>Finance Department:</b>	<b>Other Authorization:</b>  02/03/11		<b>Other Authorization:</b>  Jun Chang, P.E., D.WRE, Deputy Director Public Works & Engineering	

<b>Date</b>	<b>Subject:</b> Contract Award for FY11 Water Distribution System Rehabilitation and Renewal, WBS No. S-000035-0139-4, File No. WA 10981	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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**AWARD:** The apparent low bidder, Metro City Construction, L.P., is considered a non-responsible bidder. The City Attorney's office has rendered a legal opinion that the City has the ability to reject a bid if the bidder is determined to be non-responsible. Therefore, it is recommended that this construction contract be awarded to D. L. Elliott Enterprises, Inc. with a low bid of \$2,067,707.90.

**PROJECT COST:** The total cost of this project is \$2,231,093.00 to be appropriated as follows:

- Bid Amount \$2,067,707.90
- Contingencies \$103,385.10
- Engineering Testing Services \$ 60,000.00

HVJ Associates, Inc. will provide Engineering Testing Services on a previously approved contract.

**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

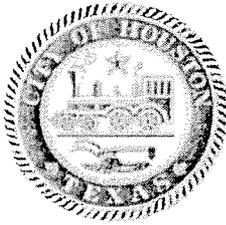
**M/WDBE PARTICIPATION:** The low bidder has submitted the following proposed participation to satisfy the 11% MBE goal and 9% SBE goal for this project:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Mickie Service Company, Inc.	Waterline Construction	\$198,809.00	9.61%
Ramon's Trucking	Truck Hauling	\$227,447.86	11.00%
	TOTAL	\$426,256.86	20.61 %

DWK:JC:AJM:OS:SM:TC:tc

cc:

Robert Gallegos  
Orin Smith, P.E.  
Sam Lathrum  
A. James Millage  
File No. WA 10981



# CITY OF HOUSTON

Department of Public Works and Engineering

## Interoffice

Correspondence

To: Marta Crinejo  
Acting Agenda Director

From: Gary Norman   
Executive Staff Analyst

Date: March 3, 2011

Via: Howard Hilliard   
Chief of Staff

Subject: **RCA 20AJM242 - REJECTION OF METRO  
CITY CONSTRUCTION, L.P.'S LOW BID DUE  
TO BEING FOUND AS A NON-RESPONSIBLE  
BIDDER.**

The Public Works & Engineering Department has submitted the above-listed RCA to your office with plans of it being placed on the March 9, 2011 City Council Agenda. The item seeks City Council's approval of an ordinance awarding a water distribution system rehabilitation and renewal contract to D. L. Elliott Enterprises, Inc. As evidenced in the RCA, the department has rejected the low bid of Metro City Construction, L.P. (Metro) due to the contractor being determined to be a non-responsible bidder.

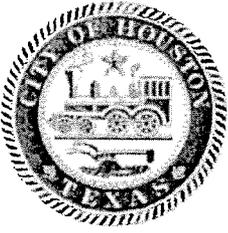
State bid laws allow the City to reject any or all bids, even if the bid is the lowest, if the bidder is determined to be non-responsible. Due to concerns relative to Metro's documented poor performance in executing these types of contracts in the past, the department made inquiries with the Legal Department to determine whether our standard performance evaluations were a reasonable basis for determining whether Metro was, or was not, a responsible bidder. The Legal Department responded in a letter dated August 26, 2010 that the department's good faith reliance on its contractor evaluations, which contain objective criteria for determining a contractor's degree of responsibility on past contracts, should be within the City's reasonable discretion for determining whether a contractor remains a responsible bidder for future awards.

Per a review of the previous six waterline projects performed by Metro that have been closed out, four were given an overall rating of Unsatisfactory.

Metro was informed via letter dated November 22, 2010 of the department's intent to hold them as non-responsible with respect to this award. As with all bidders, Metro retains the ability to appear before, and offer evidence to, City Council if they are dissatisfied with the award.

Findings of non-responsibility are made on a case-by-case, job-by-job basis. To be considered for future awards of this type of work, Metro is welcome to meet with department representatives to discuss their past performance, offer solutions for potential difficulties, and provide evidence of satisfactory performance.

CC: Daniel R. Menendez, P.E.  
Jun Chang, P.E., D.WRE



# CITY OF HOUSTON

Department of Public Works and Engineering

## Interoffice

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CC: Daniel R. Menendez, P.E.  
Jun Chang, P.E., D.WRE

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work  
Gilbane Construction Company  
Fire Station 37  
WBS No. C-000147-0002-4

Page 1 of 2  
Agenda Item 20 #

FROM (Department or other point of origin):  
General Services Department

Origination Date

Agenda Date  
~~MAR 07 2011~~

DIRECTOR'S SIGNATURE:  
Scott Minnix *Scott Minnix 2/2/11*

Council District(s) affected:  
C  
MAR 09 2011

For additional information contact:  
Jacquelyn L. Nisby *JLN* Phone: 832.393.8023

Date and identification of prior authorizing Council action:  
Ordinance No. 2007-1323; November 28, 2007  
Ordinance No. 2008-558; June 18, 2008  
Ordinance No. 2009-943; October 7, 2009

RECOMMENDATION: Pass a motion approving the final contract amount of \$5,324,322.44, accept the work, and authorize final payment.

Amount and Source of Funding: No Additional Funding Required  
Previous Funding:  
\$5,915,275.00 Fire Consolidated Construction Fund (4500)  
\$ 325,000.00 Public Library Consolidated Construction Fund (4507)  
\$6,240,275.00 Total Appropriation

Finance Budget:

SPECIFIC EXPLANATION: On November 28, 2007, City Council awarded a Construction Management at Risk (CMAR) Contract to Gilbane Construction Company (Gilbane) for construction of Fire Station 37 and Fire Station 90. The General Services Department and Gilbane agreed to a Guaranteed Maximum Price (GMP) for construction services for Fire Station 37 in the amount of \$5,116,269.00. The General Services Department recommends that City Council approve the final construction amount of \$5,324,322.44 or 4.07% over the GMP, accept the work and authorize final payment to Gilbane Construction Company.

PROJECT LOCATION: 7026 Stella Link (532J)

PROJECT DESCRIPTION: The project constructed a new Fire Station 37, which consists of three drive-thru apparatus bays, maintenance and EMT areas, living quarters, kitchen and lounge, exercise area, locker rooms and bathrooms in accordance with the Houston Fire Department Design Manual. The project also included demolition of the old Fire Station 37 adjacent to the John P. McGovern Stella Link Library and construction of a 48 space parking lot on the site for library patrons. The project utilized the Leadership in Energy & Environmental Design (LEED™) Green Building Rating System and achieved Silver certification.

PREVIOUS HISTORY AND PROJECT SCOPE: On June 18, 2008, City Council approved a First Amendment to delegate authority to the director to approve the GMP proposal, and appropriated \$5,783,000.00 for construction phase services based on the estimate of costs submitted by Gilbane. On October 7, 2009, City Council appropriated an additional \$325,000.00 to the CMAR contract for design and construction of a parking lot on the former Fire Station 37 site for expanded parking for the Stella Link Library.

REQUIRED AUTHORIZATION

CUIC ID # 25CONS151

General Services Department:  
*[Signature]*  
Richard A. Vella  
Chief of Design & Construction Division

Houston Fire Department:  
*[Signature]*  
Terry Garrison  
Fire Chief

Houston Public Library:  
*[Signature]*  
Rhea Brown Lawson, PhD  
Director

**SUBJECT:** Accept Work  
Gilbane Construction Company  
Fire Station 37  
WBS No. C-000147-0002-4

**Originator's  
Initials**  
JW

**Page**  
2 of 2

**CONTRACT COMPLETION AND COST:** The contractor completed the project within 437 days: the original contract time of 317 days plus 120 days approved by Change Order 1. The final construction cost was \$5,324,322.44, an increase of \$208,053.44 over the original GMP.

Natex Corporation was the project design consultant.

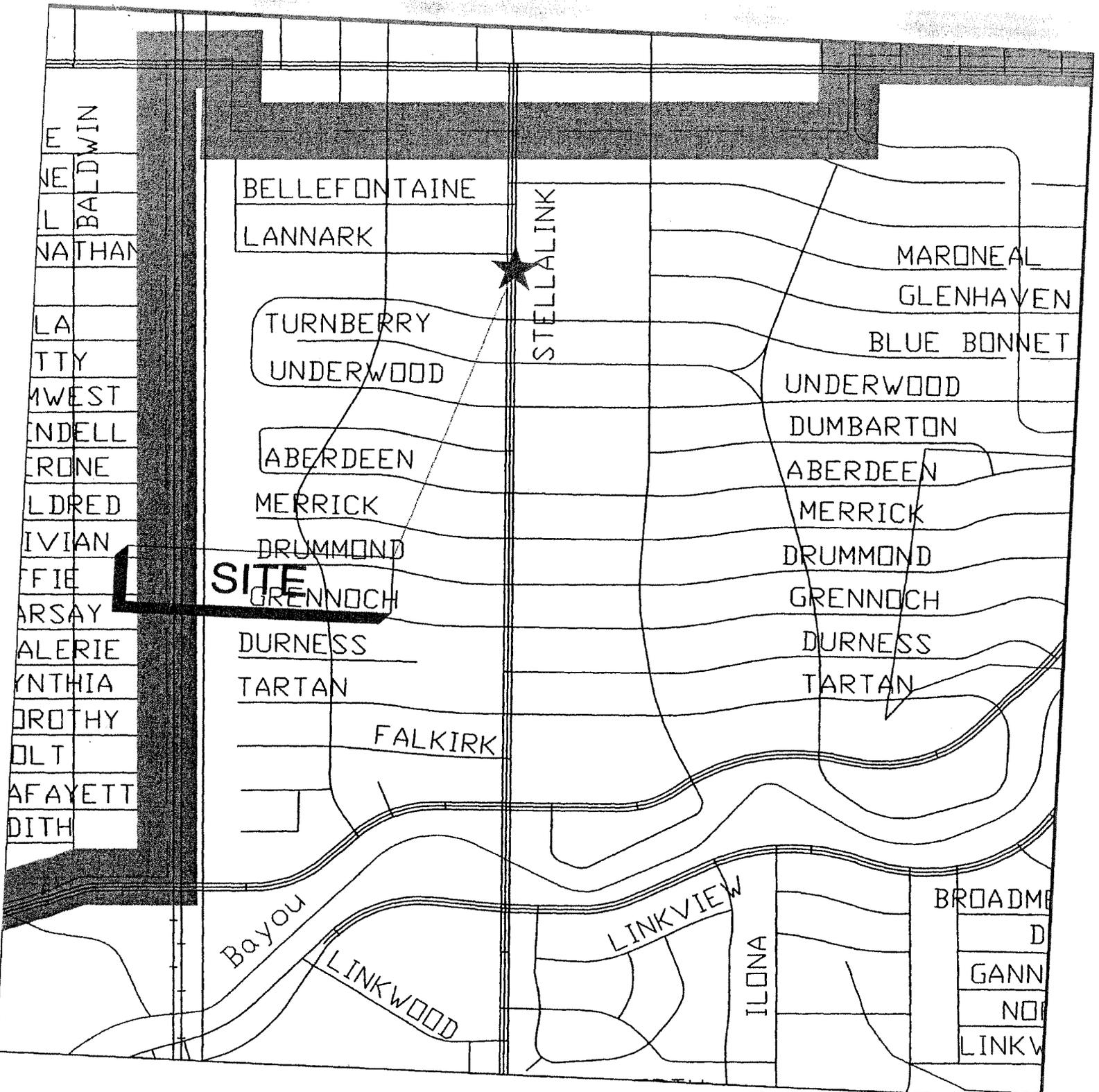
**PREVIOUS CHANGE ORDERS:** Change Order 1 addressed modifications to the structural steel; relocation of a COH gas line; modifications to the auxiliary generator fuel tank; additional metal soffits panels; addition of a monument sign; TDLR required modifications; modifications to the storefront to receive Civic Art glass and constructed a 48 space parking lot on the site of the former Fire Station 37. Change Order 2 provided credit for subcontract cost savings and job site overhead.

**M/WBE PARTICIPATION:** The contract contained a 14% MBE goal, 5% WBE goal and 5% SBE goal. According to the Affirmative Action and Contract Compliance Division, during the construction of Fire Station 37, the contractor achieved 11.64% MBE participation, 3.64% WBE participation and 6.30% SBE participation and was assigned a satisfactory rating. During the construction of Fire Station 90, the contractor achieved 22.15% MBE participation, 4.64% WBE participation and 5.92% SBE participation and was assigned an outstanding rating.

Cumulatively, the contractor achieved 15.97% MBE participation, 4.09% WBE participation and 6.03% SBE participation.

SM:RAV:JLN:MCP:JW:jw

c: Marta Crinejo, Jacquelyn L. Nisby, Velma Laws, Siria Harbour, Gabriel Mussio, Jack Williams, Wendy Heger.



FIRE STATION #37  
 7026 STELLA LINK RD. HOUSTON, TX

COUNCIL DISTRICTS "C"

KEY MAP NO. 532J

**O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Accept Work for Rehabilitation of Existing Water Wells.

WBS No. S-000200-0016-4.

Page 1 of 2

Agenda Item #

21 ~~16~~

**FROM (Department or other point of origin):**

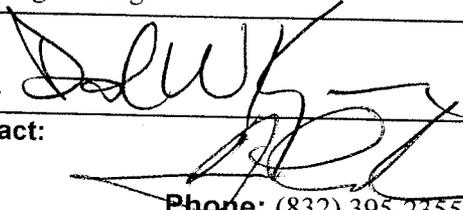
Department of Public Works and Engineering

**Origination Date**

**Agenda Date**

~~MAR 02 2011~~  
MAR 09 2011

**DIRECTOR'S SIGNATURE:**



Daniel W. Krueger, P.E., Director

**Council Districts affected:**  
A, C, D, F, G

**For additional information contact:**

J. Timothy Lincoln, P.E.  
Senior Assistant Director

**Phone:** (832) 395-2355

**Date and Identification of prior authorizing Council Action:**  
Ord. #2009-506 dated 06/10/2009

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$1,673,574.53, which is 3.99% over the original Contract Amount, accept the Work and authorize the final payment.

**Amount and Source of Funding:** No additional appropriation required.

Original appropriation of \$1,858,300.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's program to upgrade and rehabilitate ground water production facilities. This project will meet the area's water demands and also ensure compliance with the Texas Commission on Environmental Quality (TCEQ) regulations.

**DESCRIPTION/SCOPE:** The project consisted of providing construction services associated with the rehabilitation program for existing water wells in the City of Houston. LBG-Guyton Associates designed the project with 410 calendar days allowed for construction. The project was awarded to Alsay Incorporated with an original Contract Amount of \$1,609,344.00.

**LOCATION:** The project areas are located as follows:

	<u>WELL NAME</u>	<u>ADDRESS</u>	<u>KEY MAP</u>	<u>COUNCIL DISTRICT</u>
1.	Ridgemont Well 2	5230 Castle Creek	571-Y	D
2.	White Oak Well 1	9702 Deanwood Trail	410-R	A
3.	West Houston Well 1	15306 Westheimer	487-Z	G
4.	District 123 Well 1	10003 S. Kirkwood	529-S	F
5.	Sharpstown Well 3	6910 Bintliff	530-H	F
6.	Spring Branch Well 2	9420 Emnora	450-Q	A
7.	Park Glen Well 1	10923 Stancliff	529-X	F
8.	Southwest Well 1	5210 Westpark	491-Y	C
9.	Southwest Well 5	6302 Westpark	491-W	C
10.	Spring Branch Well 1	9400 Kempwood	450-L	A

**CONTRACT COMPLETION AND COST:** The Contractor, Alsay Incorporated has completed the Work under subject Contract. The project was completed within the contract time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$1,673,574.53, an increase of \$64,230.53 or 3.99% over the original Contract Amount.

The increased cost is primarily due to an overrun in Base Unit Price Item No. 72 – Install Conductor Casing Liner (Min. 50-foot), Base Unit Price Item No. 165 – Inner Column Assembly Complete, and Base Unit Price Item No. 175 – Column Pipe, Threaded & Coupled with Coupling, which were necessary to complete the Work.

**REQUIRED AUTHORIZATION**

**CUIC ID# 20MZQ194**

**Finance Department:**

**Other Authorization:**

**Other Authorization:**

  
Daniel R. Menendez, P.E., Deputy Director  
Engineering and Construction Division

Date

**SUBJECT:** Accept Work for Rehabilitation of Existing Water Wells.  
WBS No. S-000200-0016-4.

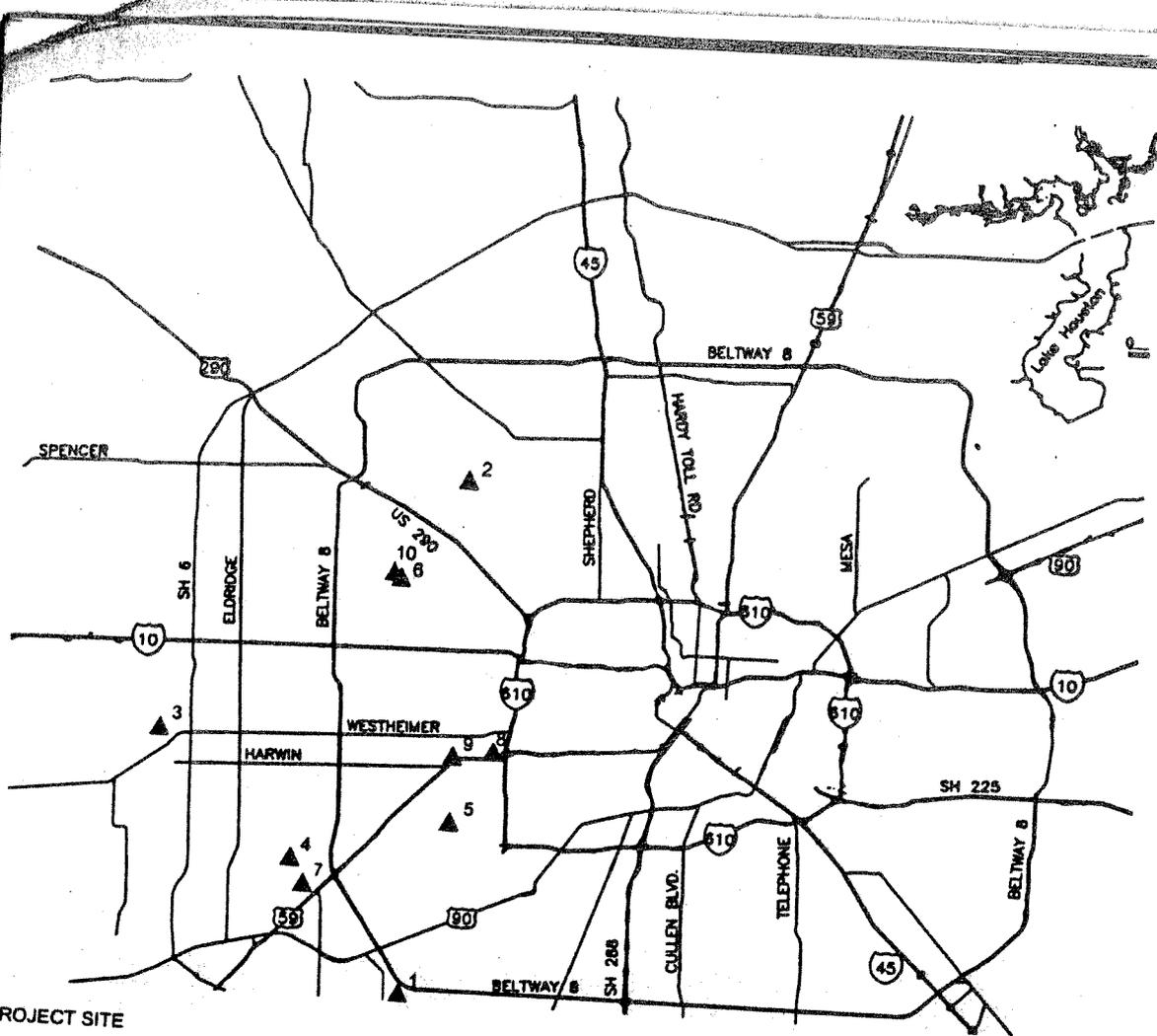
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**Page  
2 of 2**

**M/WBE PARTICIPATION:** The M/W/SBE goal for this project was 22.00%. According to Affirmative Action and Contract Compliance Division, the actual participation was 18.73%. The Contractor achieved a "Satisfactory" rating for M/W/SBE compliance.

*SKF JP*  
DWK:DRM:JTL:SKF:JP:mj  
Z:\E&C Construction\Facilities\Projects\S-000200-0016-4 Rehabilitation of Water walls\Close out\RCA\RCA-rev.DOC

c: File No. S-000200-0016-4 – Closeout



▲ PROJECT SITE

INDEX OF WELLS					
W#	WELL NAME	ADDRESS	KEY MAP	COUNCIL DISTRICT	COUNCIL MEMBE
1	RIDGEMONT WELL 2	5230 CASTLE CREEK	571Y	D	WANDA ADAMS
2	WHITE OAK WELL 1	9702 DEANWOOD TRAIL	410R	A	TONI LAWRENCE
3	WEST HOUSTON WELL 1	15306 WESTHEIMER	487Z	G	PAM HOLM
4	DISTRICT 123 WELL 1	10003 S. KIRKWOOD	529S	F	M. J. KHAN
5	SHARPSTOWN WELL 3	6910 BINTLIFF	530H	F	M. J. KHAN
6	SPRING BRANCH WELL 2	9420 EMNORA	450Q	A	TONI LAWRENCE
7	PARK GLEN WELL 1	10923 STANCLIFF	529X	F	M. J. KHAN
8	SOUTHWEST WELL 1	5210 WESTPARK	491Y	C	ANNE CLUTTERBU
9	SOUTHWEST WELL 5	6302 WESTPARK	491W	C	ANNE CLUTTERBU
10	SPRING BRANCH WELL 1	9400 KEMPWOOD	450L	A	TONI LAWRENCE

**CONTRACT COMPLIANCE SECTION**  
**SMWDBE Participation Report**  
**Justification for Satisfactory Rating**

<b>Project Closed Date</b>	<u>10/19/2010</u>
<b>Project # or Description</b>	<u>Water #10923- Rehabilitation of Existing</u> <u>Water Wells. S-000200-0016-4 #4600009668</u>
<b>Prime Contractor</b>	<u>Alsay Incorporated</u>
<b>Final Contract Amount</b>	<u>\$1,673,574.53</u>
<b>MWDBE Goal</b>	<u>22%</u>
<b>Goal Achieved</b>	<u>18.73%</u>
<b>Rating</b>	<u>Satisfactory</u>

**Summary of SMWDBE Evaluation**

**Original SMWDBE's Listed**

Alpha Electric Company  
Energy Electric Supply, Inc.  
Escalante Construction, Inc.  
Mckenzie Compressed Air Solutions, Inc.

**SMWDBE's Utilized**

Energy Electric Supply, Inc.  
Escalante Construction, Inc.

**Explanation from Prime**

Jim Caldwell, mentioned that there were 267 bid items and that only a few items could be utilized by MWDBE companies because the work was very specific. In addition, the items that were utilized were chosen and authorized by the COH Water Production Department which limited their minority participation.

**Explanation from Subcontractor**

Alpha Electric (SBE) and Mckenzie Equipment (WBE) were informed that their services would not be utilized at the beginning of the project.

**Final Comments**

Based on the findings of the specialty work items, we can conclude that there is a legitimate justification for the satisfactory rating. COH Project Manager, Rajinder Singh, confirmed that the MWDBE goal was set too high for this type of project and that it was very difficult to achieve due to the specialized scope of work. He also mentioned that on future rehabilitation water well projects, the MWDBE goal will be set lower.

  
Tia Justice

Contract Compliance Officer



**City of Houston  
Affirmative Action and Contract Compliance  
Post-Award Good Faith Efforts Assessment**

**Date:** February 22, 2011

**Prime Contractor:** Alsay Incorporated

**Project No. /Description:** Water Wells WW # 10923 S-000200-0016- 4 4600009668

**S/MWDBE Goal:** 22%    **S/MWDBE Goal Attained:** 18.73%    **S/MWDBE Rating:** Satisfactory

**Did the Contractor:**

	<u>Yes</u>	<u>No</u>
Designate an S/MWBE Liaison?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Report MWBE Utilization Timely?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Respond Timely to AAD Information Requests?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Submit Deviation Requests, when necessary?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Notify AAD of S/MWDBE issues that affected the goal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Enter into subcontracting agreements with subs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Respond to efforts to resolve disputes with subs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Submit S/MWDBE Utilization Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Agree to make up missed S/MWBE participation on another identified contract?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Provide S/MWBE's listed the maximum opportunity to participate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provide documentation on Good Faith Efforts to meet the goal?	<input type="checkbox"/>	<input type="checkbox"/>
Contacted City to assist in finding additional S/MWBE participation when needed?	<input type="checkbox"/>	<input type="checkbox"/>
Participate in Mentor-Protégé Program?	<input type="checkbox"/>	<input type="checkbox"/>

**Rationale for Rating (including contractor history):**

The contract was bid with 267 items and the prime found MWBE's to work on some of the items and listed them for participation. Only a few of the items were utilized where SMWBE's were enlisted because the work was very specific. Utilized items were chosen by the Department so some had limited potential for SMWBE participation.

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# Alsay Incorporated Contract History Report

As of February 22, 2011

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Date Cleared	MWDBE Rating
1	Water #10223-01 - Rehabilitation of Existing water wells. S-0200-01-3	\$3,359,977.89	12%	14.09%	07/01/99	Outstanding
2	Water #10223-02 - Rehabilitation of existing water wells. S-0200-04-3	\$5,795,102.00	17%	21.07%	11/18/99	Outstanding
3	Water #10562 - Rehabilitation of existing water wells FY 1999. S-0200-10-3	\$3,479,880.98	17%	18.96%	03/06/01	Outstanding
4	Water #10562-01 - Rehabilitation of existing water wells - FY2001. S-0200-11-3	\$3,075,215.00	17%	17.45%	05/10/02	Satisfactory
5	PC20-00020012083 - Abandoned water wells plugging for PWE	\$838,530.00	0%	0.00%	04/07/03	No goal
6	Water #10562-02- Rehabilitation of existing water wells. S-0200-12-3	\$3,327,933.36	17%	17.18%	01/05/04	Satisfactory
7	Water #10562-04 - Rehabilitation of Existing Water Wells. S-000200-0015-4	\$1,867,015.30	17%	13%	01/04/08	Satisfactory
8	Water #10888-01 - Rehabilitation of Existing Water Wells. S-000200-0017-4	\$1,752,016.18	22%	9.20%	10/02/09	Satisfactory
9	Water #10923 - Rehabilitation of Existing Water Wells. S-00200-0016-4.	\$1,673,574.53	22%	18.73%	10/19/10	Satisfactory
10	Water #10950 - Plugging Decommissioned Water Wells for PWE. S-000536-0006-4	\$891,566.00	0%	0%	01/19/11	No goal
11						
12						

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Request for the sale of a ±8,840-square-foot portion out of a ±5.7-acre tract of fee-owned land, comprised of Tracts 7, 8, 8A, 9A, and 10, Block 4, Sherwood Estates Section 2, out of the E. Williams Survey, A-834. **Parcel SY11-028**

Page  
1 of 1

Agenda Item #  
**22** *[Signature]*  
Agenda Date

**FROM (Department or other point of origin):**

Origination Date

Department of Public Works and Engineering

~~MAR 03 2011~~  
MAR 03 2011

**DIRECTOR'S SIGNATURE:**

Council District affected: A

*[Signature]*  
Daniel W. Krueger, P.E., Director

Key Map: 449X *[Signature]*

**For additional information contact:**

**Date and identification of prior authorizing Council Action:**

*[Signature]*  
Nancy P. Collins **Phone:** (713) 837-0881  
Senior Assistant Director-Real Estate

**RECOMMENDATION: (Summary)** It is recommended City Council approve a motion authorizing the sale of a ±8,840-square-foot portion out of a ±5.7-acre tract of fee-owned land, comprised of Tracts 7, 8, 8A, 9A, and 10, Block 4, Sherwood Estates Section 2, out of the E. Williams Survey, A-834. **Parcel SY11-028**

**Amount and**

**Source of Funding:** Not Applicable

**SPECIFIC EXPLANATION:**

Ryan L. Dennard, P.O. Box 366, Bellaire, Texas, 77402, on behalf of McGinnis Cadillac (Kevin McGinnis, Owner), requested the sale of a ±8,840-square-foot portion out of a ±5.7-acre tract of fee-owned land, comprised of Tracts 7, 8, 8A, 9A, and 10, Block 4, Sherwood Estates Section 2, out of the E. Williams Survey, A-834. Signs notifying the public of the pending sale of the ±8,840-square-foot parcel were posted for at least thirty days. McGinnis Cadillac, the abutting property owner, plans to use the subject property for parking.

This transaction is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

1. The City sell a ±8,840-square-foot portion out of a ±5.7-acre tract of fee-owned land, comprised of Tracts 7, 8, 8A, 9A, and 10, Block 4, Sherwood Estates Section 2, out of the E. Williams Survey, A-834;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The Legal Department be authorized to prepare the necessary transaction documents; and
4. Inasmuch as the value of the City's property interest is not expected to exceed \$50,000.00, that the value be established by staff appraisal, according to the City policy.

DWK:NPC:tj

c: Jun Chang, P.E., D.WRE  
Marta Crinejo  
David Feldman  
Marlene Gafrick  
Terry A. Garrison

tj\sy11-028.rc1.doc

REQUIRED AUTHORIZATION

CUIC #20TJ9172

**Finance Department:**

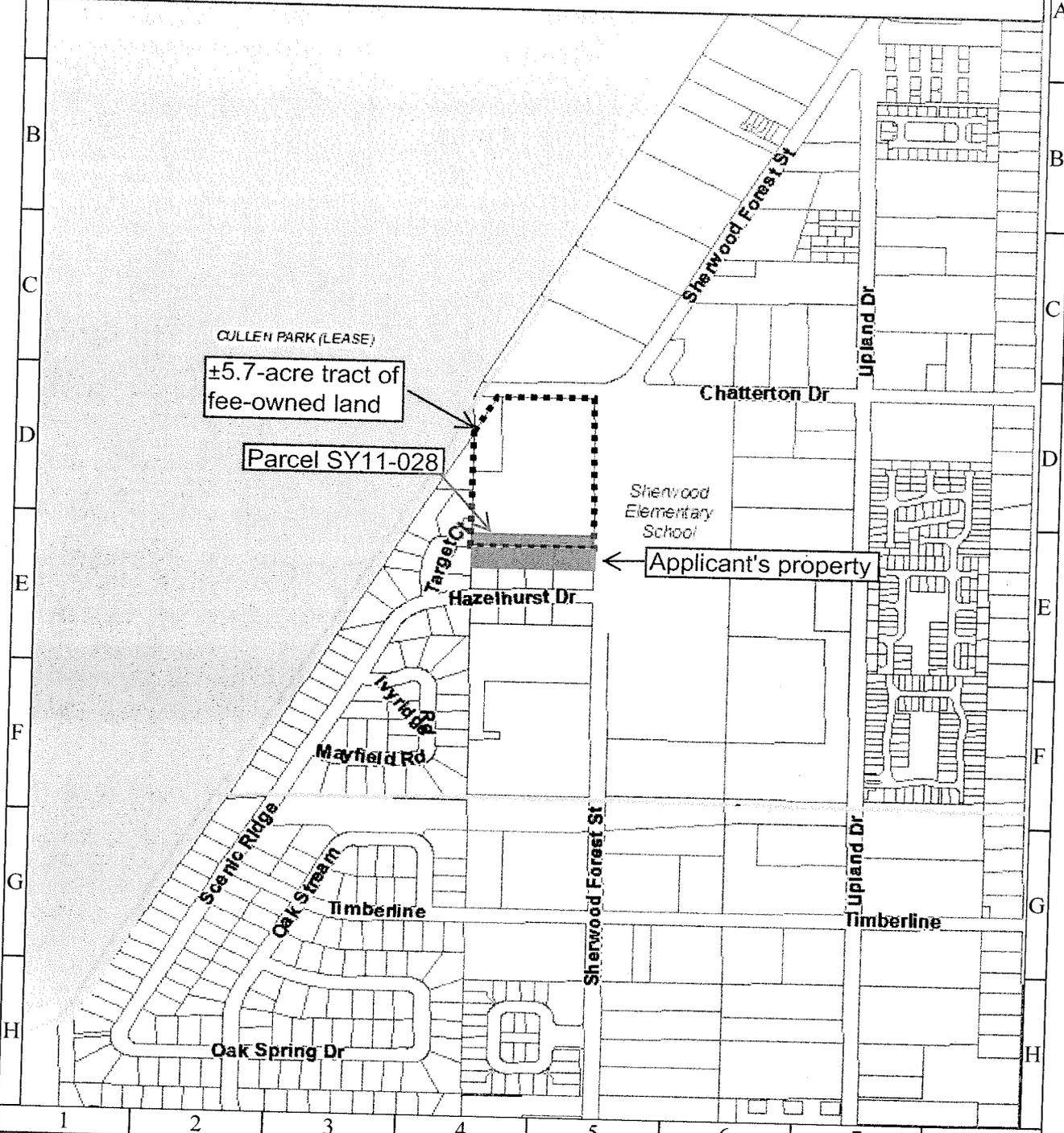
**Other Authorization:**

*[Signature]*  
Jun Chang, P.E., D.WRE  
Deputy Director  
Public Utilities Division

**Other Authorization:**

*[Signature]*  
Mark L. Loethen, P.E., CFM, PTOE  
Deputy Director  
Planning and Development Services Division

Sale of a ±8,840-square-foot portion out of a ±5.7-acre tract of fee-owned land, comprised of Tracts 7, 8, 8A, 9A, and 10, Block 4, Sherwood Estates Section 2, out of the E. Williams Survey, A-834. **Parcel SY11-028**

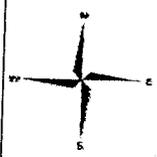


**CITY OF HOUSTON**

Department of Public Works and Engineering

1 inch = 295 feet Geographic Information & Management System (GIMS)

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY. THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS. FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA# 8923

**Subject:** Purchase of Earth Moving and Street Maintenance Equipment Through the Houston-Galveston Area Council for Various Departments S34-E23837-H

Category #  
1 & 4

Page 1 of 2

Agenda Item

123-23A #4-14A

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

Origination Date

January 11, 2011

Agenda Date

MAR 09 2011  
~~MAR 07 2011~~

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

Council District(s) affected  
All

**For additional information contact:**

David Guernsey Phone: (832) 395-3640  
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$679,470.20 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of earth moving and street maintenance equipment through the Houston-Galveston Area Council (H-GAC) in the amount of \$1,408,786.98 for various departments.

Award Amount: \$1,408,786.98

Finance Budget

\$ 679,470.20 - Equipment Acquisition Consolidated Fund (Fund 1800)  
\$ 729,316.78 - PWE -Combined Utility System General Purpose Fund (Fund 8305)  
\$1,408,786.98 - Total Funding

*J*

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$679,470.20 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of earth moving and street maintenance equipment through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$1,408,786.98 for various departments, and that authorization be given to issue purchase orders to the H-GAC contractors as shown below. This new equipment will be used citywide by the departments in the repair and replacement of water and wastewater utility lines, grounds keeping operations and maintenance of City bridges and streets. The equipment being purchased with funding from the Equipment Acquisition Consolidated Fund is included in the adopted Equipment Acquisition Plan.

**John Deere Company – A Division of Deere & Company:** Approve the purchase of a compact excavator, two skid steer loaders with hydraulic hammer attachments and a skid steer loader with a scrap grapple attachment in the amount of \$178,367.98.

The compact excavator will come with a full one-year/unlimited hours warranty and the life expectancy is fifteen years. The skid steer loaders will come with a full one-year/unlimited hours warranty and the life expectancy is twelve years.

**Hi-Way Equipment Company:** Approve the purchase of a telescopic boom hydraulic excavator and two vibratory rollers in the amount of \$615,919.00.

The hydraulic excavator will come with warranties of three years/4,500 hours on the complete unit and five years/6,000 hours on the diesel engine and the life expectancy is twelve years. The vibratory rollers will come with a full three-year/1,500 hour warranty and the life expectancy is fifteen years.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MGT*  
*P*

Date: 1/11/2011	Subject: Purchase of Earth Moving and Street Maintenance Equipment Through the Houston-Galveston Area Council for Various Departments S34-E23837-H	Originator's Initials LB	Page 2 of 2
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**Doggett Heavy Machinery Service, LLC:** Approve the purchase of four backhoes with hydraulic hammer attachments in the amount of \$614,500.00.

The backhoes will come with a full seven-year/7,500 hour warranty and the life expectancy is twelve years.

This new equipment will meet the EPA's current emission standards for equipment with diesel engines. As detailed in the attached Equipment Usage Summary, the equipment that will be replaced has reached its life expectancy and will be sent to auction for disposition.

Buyer: Larry Benka

Attachment: Equipment Usage Summary

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA# 8830

**Subject:** Amend Council Motion 2008-0129, Passed February 13, 2008 for Chemicals, Lawn, Garden and Insecticide for Various Departments S32-S22193-A1

Category #  
4

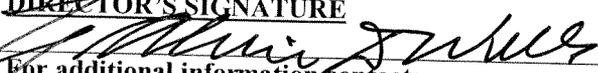
Page 1 of 1    Agenda Item

**2476**

**FROM (Department or other point of origin):**  
Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**  
February 21, 2011

**Agenda Date**  
MAR 09 2011  
~~MAR 02 2011~~

**DIRECTOR'S SIGNATURE**  


**Council District(s) affected**  
All

**For additional information contact:**  
Luci Correa                      Phone: (832) 395-7057  
Desiree Heath                    Phone: (832) 393-8742

**Date and Identification of prior authorizing Council Action:**  
CM 2008-0129, Passed February 13, 2008

**RECOMMENDATION: (Summary)**  
Amend Council Motion 2008-0129, passed February 13, 2008, to increase the spending authority from \$264,391.66 to \$370,148.32 for chemicals, lawn, garden and insecticide for various departments.

Spending Authority Increased By: \$105,756.66

**Finance Budget**

\$105,756.66 General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council amend Council Motion 2008-0129, passed February 13, 2008 to increase the spending authority for chemicals, lawn, garden and insecticide awarded to Pro Alliance from \$264,391.66 to \$370,148.32. The current spending authority has almost depleted and an increase in the spending authority is required to meet the Department's operational needs. Due to the under estimation of quantities, the Parks & Recreation Department is requesting additional spending authority.

This award began February 19, 2008 for a 60-month term in an amount not to exceed \$264,391.66. Expenditures as of January 12, 2011 totaled \$254,524.60.

This award consists of various types of chemicals for lawn, garden and insecticide used citywide for routine, preventative and emergency maintenance to parks, gardens, golf courses and along public roadways.

This award included a 3% goal for MWBE participation. Pro Alliance is currently achieving 1.11%. Pro Alliance has stated that they are currently not meeting the goal due to the fact that the majority of products are shipped directly from the manufacturer to the end user. Pro Alliance submitted a schedule to the Affirmative Action and Contract Compliance Division projecting that they will achieve the 3% MWBE goal by the end of the award. Based on the Affirmative Action and Contract Compliance Division's review and approval of the submitted schedule, Pro Alliance should reach the 3% MWBE goal by the end of the award.

Buyer: Veronica Douglas, CPPB, PSCMC

DEPARTMENT	FY11	FY12	TOTAL
Parks & Recreation	\$30,000.00	\$75,756.66	\$105,756.66

**REQUIRED AUTHORIZATION**

Finance Department:

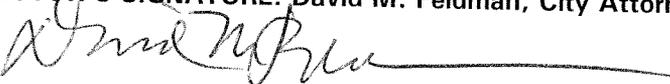
Other Authorization:

Other Authorization: 

**RCA 8923  
EQUIPMENT USAGE SUMMARY  
EARTH MOVING EQUIPMENT S34-E23837-H**

Requisition Number/ Item Description	Qty	Department/Division Fleet Usage	Equipment Replacement	
10109851/Compact Excavator with 12" Rubber Track	1	Public Works & Engineering Department/ Public Utilities Division  This small excavator will be used citywide by the Department in the repair and replacement of water and wastewater utility lines in residential areas.	<u>Shop No.</u> 31619	<u>Age/Yrs</u> 10
10109647/Skid Steer Loader with Hydraulic Hammer attachment	2	Public Works & Engineering Department/ Public Utilities Division  These skid steer loaders will be used citywide by the Department's Wastewater Operations Branch to remove grit and debris from treatment plants and to load and unload grass and topsoil during grounds keeping operations.	Additions to the Fleet.  Currently, there are two of these types of skid loaders in the Department's equipment inventory and they are being utilized in other operations. There are no reserves. These additional units will allow the Department to better utilize its resources in performing maintenance operations.	
10111025/Skid Steer Loader with a Scrap Grapple attachment	1	Parks & Recreation Department  This skid steer loader will be used primary at the Lake Houston Park by the Department to move dirt, debris, broken limbs and cut trees.	Addition to the Fleet.  Currently, the Department has three similar loaders in its equipment inventory, two units are in good condition, one unit is in poor condition, and there are no reserves. These units are shared various Divisions within the Department. This additional unit is required at the Lake Houston Park to assist in the maintenance and renovation of the park to attract additional visitors and increase park revenues.	
10109545/Telescopic Boom Hydraulic Excavator	1	Public Works & Engineering Department/ Right-of-Way and Fleet Maintenance Division  This excavator will be used citywide by the Department for the repair and replacement of timber-supported bridges.	<u>Shop No.</u> 26767	<u>Age/Yrs</u> 13
10109546/Vibratory Tandem Roller	2	Public Works & Engineering Department/ Right-of-Way and Fleet Maintenance Division  These vibratory rollers will be used citywide by the Department in the repair of City streets.	<u>Shop No.</u> 19957 19960	<u>Age/Yrs</u> 18 18
10109646/Backhoe with Hydraulic Hammer attachment	4	Public Works & Engineering Department/ Public Utilities Division  These backhoes will be used citywide by the Department for the maintenance of water distribution and wastewater collection utility lines.	<u>Shop No.</u> 22952 28461 28044 28043	<u>Age/Yrs</u> 16 12 12 12

**REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Revision of Chapter 14, Section 14-140, <i>et seq</i> of the City of Houston Code of Ordinances Relating to Layoffs		Category # 3	Page 1 of 1	Agenda Item # <b>25</b>
<b>FROM (Department or other point of origin):</b> Legal Department		Origination Date	Agenda Date MAR 09 2011 <del>MAR 02 2011</del>	
<b>DIRECTOR'S SIGNATURE:</b> David M. Feldman, City Attorney 		Council District affected:  All		
<b>For additional information contact:</b> David Feldman or Don Fleming Phone: 832-393-6412 832-393-6303		Date and identification of prior authorizing Council action:		
<b>RECOMMENDATION: (Summary)</b>  The Legal Department recommends revision of Chapter 14, Section 14-140, <i>et seq.</i> of the City of Houston Code of Ordinances to revise the layoff procedures when budgetary constraints require a reduction in personnel expenditures.				
<b>Amount of Funding:</b>  N/A		<b>Finance Budget:</b>		
<b>SOURCE OF FUNDING:</b> N/A <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b> Chapter 14, Section 14-140 <i>et seq.</i> of the City Of Houston Code of Ordinances authorizes the mayor to implement layoffs when it is necessary to reduce the number of employees within any department due to reorganization of the department, reduction in funding, reduction in services provided, or for any other reason including budgetary constraints. The Legal Department recommends that this Section be amended to revise method of implementation of such layoffs.  The Legal Department advises that the Houston Organization of Public Employees (HOPE) has been consulted concerning this amendment and that HOPE finds the content of the amendment acceptable in the event layoffs are to be implemented.  The significant changes to the prior ordinance are as follows:  While continuing to recognize the importance of seniority, Section 14-141.1 is being amended to place additional emphasis on employee performance. The definition of "Layoff Tier" is amended to place employees, other than probationary, temporary, part-time, seasonal and emergency employees, in Layoff Tiers based upon a combination of seniority and the total point score of the past three years' annual Employee Performance Evaluations (EPEs) or equivalent. Should a layoff become necessary, employees assigned to a layoff tier based upon combined merit ratings will, along with other employees in the same layoff tier, be laid off on the basis of their seniority with employees having the least amount of seniority within the layoff tier being laid off first.  Section 14-141.3 entitled "Exceptions and director's discretion" has been amended to include review of exceptions by the Office of the City Attorney.  Section 14-144 entitled "Filing of plan, appeal," has been amended to provide for an alternate expedited appeal process in limited circumstances relating to exemptions and, for employees having at least eight years of service, combined merit ratings.  Section 14-145 entitled "Review by Human Resources Department for Nondiscrimination Obligations" has been amended to accommodate a departmental reorganization and places responsibilities for nondiscrimination obligations with the human resources department.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

DIVISION 11.

RULE 11. LAYOFFS

**Sec. 14-140. ~~What constitutes; notice.~~ Notice.**

When it is necessary to reduce the number of employees within any department due to reorganization of the department, reduction in funding, reduction in services provided, or for any other reason, each employee whose position is to be eliminated shall be so notified, and at the stated time his salary and work shall cease. This shall constitute a layoff. The department director shall notify the employee in writing at least ~~14~~ 45 calendar days in advance of the layoff. A copy of the layoff notice shall be forwarded promptly to the director. A suspension, dismissal, discharge or discontinuance of temporary, part-time or seasonal employment shall not constitute a layoff and vice versa.

**Sec. 14-141. Who shall be laid off.**

~~\_\_\_\_\_ (a) When it becomes necessary to lay off one employee or more in the same classification in a department, the one or ones to be laid off shall be determined by the department director on the basis of this section. The While there is no guarantee of reemployment for any laid-off employee, the names of all those laid off, except any who are below standard employees have received performance ratings reflecting acceptable performance or higher, shall be placed on a reemployment list for a period of one year. No employee in a permanent position shall be laid ~~off~~ while any probationary, temporary, part-time, seasonal, or emergency employee is performing comparable duties is continued in the same department unless the department director determines that the continued use of such employees is necessary due to unpredictable work loads, seasonal or temporary work requirements, or related factors that make the use of permanent full-time employees for the work impracticable or inefficient or would impair the quality of service of the department. Employees will be laid off by a combination of merit rating and seniority as provided in this rule.~~

~~\_\_\_\_\_ (b) As used in this rule, the following terms shall have the meanings ascribed below:~~

**Sec. 14-141.1. Rules of construction and definitions.**

In the construction of this division, the following rules shall be observed and the following definitions shall apply, unless the context clearly indicates otherwise:

- (1) ~~*Below standard employee* shall mean any employee, regardless of the employee's term of total continuous employment, who has received overall scoring ratings of less than "satisfactory" (either "below average"~~

or "unsatisfactory") on the most recent job performance review and on any one of the second and third most recent job performance reviews given within the last 36 months prior to the implementation date upon the performance review forms promulgated by the director and approved by the commission. If the last performance review given to the employee is pending on appeal through the city's grievance process the appropriate hearing officer will be notified and requested to render a decision before the implementation date. If the appeal is still pending on the implementation date then the average of the scores the employee received in the remaining year(s) in the layoff merit rating period shall be used instead of the score on the performance review which is pending on appeal. In any instance in which the foregoing standard would otherwise apply to two performance reviews given to an employee within a period of 330 consecutive days, then the foregoing standard shall instead be based on the last city performance review given that is not pending on appeal as of the implementation date and the last performance review that was given more than 330 days previous to it.

Classification means the actual employment category to which each employee is assigned at the city.

~~(4) Layoff Combined merit rating shall be~~ means the total point score of overall appraisal ratings received during the past three years' annual Employee Performance Evaluations (EPEs). Combined merit rating will be based upon the overall scoring appraisal ratings from an the subject employee's job annual employee performance review(s) given upon the forms promulgated by the director and approved by the commission, during the calendar year in which the implementation date occurs and for each of the two calendar years preceding the year in which the implementation date occurs. For each of those three years' performance reviews, the employee shall receive points on a basis that corresponds to the employee's overall appraisal rating numerical score on the job performance review EPE. If the numerical scoring systems differ between types of job performance review EPE forms, those ratings shall be adjusted to obtain corresponding scoring systems according to standards set by the human resources director.

If an employee received more than one performance review during any such calendar year, then the results of each review for that year shall be averaged on the basis of the number of performance reviews that the employee received during that calendar year. For any year in which an employee did not receive a performance review for any reason including, but not limited to, not being employed by the city, then for that year the average of the scores the employee received in the remaining year(s) in the layoff combined merit rating period shall be used. If an employee in a classification in the managerial tier that is targeted for layoff has not received any performance reviews during

employment with the city, then the department shall perform an unscheduled performance review before the implementation date, and the score on that review shall be multiplied by three to give that employee's combined merit rating ~~total point score~~. If a job performance review EPE is on appeal through the city's grievance process, the appropriate hearing officer will be notified and requested to render a decision before the implementation date. If the appeal is still pending on the implementation date then the average of the scores the employee received in the remaining year(s) in the layoff combined merit rating period shall be used instead of the score on the performance review which is pending on appeal. Layoff Combined merit ratings shall be computed for all employees within the department and classification in which a layoff is to be implemented, ~~except those employees in layoff tiers 1 and 2.~~

(2) ~~Department shall means~~ each department, division of a department, office, or division of an office of the city that is listed on the Exhibit A at the end of this division, regardless of whether it actually constitutes a department of the city government, or not.

(3) ~~Implementation date shall be~~ means the date established in writing by the mayor for the implementation of a layoff within a department. All computations regarding the layoff shall be based upon the implementation date, and the delay of the actual implementation of the layoff for any reason shall not affect the use of the established implementation date for such computations, unless the mayor elects to establish a new implementation date.

(5) ~~Layoff tier shall be a layoff priority group~~. Each employee within a department and classification in which a layoff is to be implemented will be assigned to a layoff tier. ~~Layoff tiers for those employees in classifications which are not in as determined by the managerial tier shall be as follows. Tier number one shall consist of all below standard employees. The second and each successive layoff tier shall be established from employees who are not below standard employees on the basis of time periods computed back from the implementation date and shall be designated in the following manner:~~ employee's combined merit rating. Employees within a layoff tier will be laid off on the basis of their seniority with the employees having the least amount of seniority being laid off first. The most senior person within a layoff tier will be retained, barring any exemptions.

Tier Number	Time Period
Two (2)	Implementation date to one year preceding the implementation date.

Three (3)	One day before the one year preceding the implementation date to the fifth year preceding the implementation date.
Four (4)	One day before five years preceding the implementation date to the ninth year preceding the implementation date.

~~Each employee who is not a below standard employee shall be assigned to a layoff tier based upon the commencement date of the employee's total continuous employment. In the event that any affected classification includes employees having more than nine years' total continuous employment, then successively numbered tiers of four years shall be established in the same manner as tiers three and four, so that each employee within the classification is assigned to a layoff tier. In the event that the actual implementation of a layoff is delayed beyond the implementation date, then any employee hired after the implementation date shall be assigned to layoff tier number two (2).~~

(6) *Managerial tier* shall ~~be~~means a separate tier which consists of employees who occupy positions within classifications which ~~are~~ assigned to a pay grade that is greater than or equal to pay grade 23, which ~~are~~ as designated in the Officials and Administrators EEOC (Equal Employment Opportunity Commission) job category A, and which are designated as a mid-level manager or above on the class description, ~~but~~ Managerial tier shall not include ~~these~~ employees ~~who~~ are excepted from eligibility to civil service classification under Article Va, Section 2 of the City Charter. When a classification in the managerial tier is targeted for layoff within a department, all employees holding positions within that classification in the department shall constitute one tier for the purposes of computing the ~~layoff~~combined merit rating.

(7) *Total continuous employment* shall be computed from the date of an employee's initially reporting to work with the city as an employee in a permanent position. *Total continuous service in the current job classification* shall be computed from the date of an employee's certification to the current job classification. If the employee has had a break in employment, then the total continuous employment or the total continuous service in the current job classification shall be computed from the date of the employee's return reporting to work with the city as an employee in a permanent position. A break in employment shall consist of any instance in which the person ceased to be a permanent employee of the city under these civil service rules, except for a military leave authorized under state or federal law or a prior layoff and reemployment under civil service rule 11.

**Sec. 14-141.2. Layoff procedure including sequence of layoffs.**

(ea) With the exception of employees in these classifications in the managerial tier, employees within the same classification in the a department where the layoff is to be implemented shall be laid off on a lowest numbered layoff tier-first out basis, ~~with employees in the first layoff tier to be the first laid off.~~ In the event that there are two or more employees within a given classification and layoff tier and the number of persons to be laid off ~~within that classification is such that one or more of the employees within that classification and layoff tier need be laid off and one or more need not be laid off,~~ then the person or persons to be laid off with the least seniority, based on total continuous employment, shall be determined as follows: laid off first.

- (1) ~~In the first and second layoff tiers, employees will be laid off on the basis of the commencement of their total continuous employment on a last in first out basis, with the last commenced to be the first to be laid off. In case of a tie score between two or more employees, then among these employees with the tie score, the procedures specified in (d) below, except for subsection (d)(3), shall apply.~~
- (2) ~~In the third and each successive layoff tier the employee or employees to be laid off will be determined by their layoff merit rating point score on a lowest score first out basis with the employee having the lowest score to be the first laid off. In case of a tie score between two or more employees, then among those employees with the tie score, the procedures specified in (d) below shall apply.~~
- (3) ~~In the managerial tier, employees within the same classification in the department where the layoff is to be implemented shall be laid off on the basis of their layoff merit rating point score on a lowest score first out basis, with the employee having the lowest score to be the first laid off. In case of a tie score between two or more employees, then among those employees with the tie score, the procedures specified in (d) below shall apply.~~

(b) For each job classification affected by the layoff, probationary, temporary, part-time, seasonal and emergency employees shall be laid off first and, exclusive of exemptions, comprise Layoff Tier Number One of the layoff scheme. Layoff Tier Number Two shall, exclusive of exemptions, be comprised of all employees having a combined merit rating falling below standard (i.e. below 9). Layoff Tier Number 3 shall, exclusive of exemptions, be comprised of all employees having a combined merit rating greater than or equal to 9 and less than or equal to 11.07. Layoff Tier Number 4 shall be comprised of all employees with a combined merit rating greater than 11.07.

~~(c1) In the first and second layoff tiers, The employee or employees will to be laid off on the basis of the commencement of~~ will be determined by their layoff tier and

seniority, based on total continuous employment, on a last in lowest tier number-first out basis, with the last commenced to be the first to be laid off. In case of a tie score between two or more employees, then among those employees with the tie score, the procedures specified in (d) below, except for subsection (d)(3), shall apply. Within a layoff tier, the employee or employees having the least seniority (exemptions excluded) will be the first laid off. After all employees within a layoff tier (exemptions excluded) have been laid off, the employees in the next numbered layoff tier will be laid off in order of seniority, and layoffs will continue through layoff tiers sequentially until the layoff has been completed.

~~(2) In the third and each successive layoff tier the employee or employees to be laid off will be determined by their layoff merit rating point score on a lowest score first out basis with the employee having the lowest score to be the first laid off. In case of a tie score between two or more employees, then among those employees with the tie score, the procedures specified in (d) below shall apply.~~

~~(3) In the managerial tier, employees within the same classification in the department where the layoff is to be implemented shall be laid off on the basis of their layoff merit rating point score on a lowest score first out basis, with the employee having the lowest score to be the first laid off. In case of a tie score between two or more employees, then among those employees with the tie score, the procedures specified in (d) below shall apply.~~

(d) If a tie still exists between two or more employees after use of the procedure outlined in (c) of this section, then among those employees with the tie score, the following steps will be utilized in the following numbered sequence until the tie is broken, with use of a succeeding step only in the event a tie still exists among two or more employees:

- (1) Employees will be laid off on the basis of the commencement of their total continuous service in ~~their~~the current job classification on a last in-first out basis, with the last commenced to be the first laid off.
- (2) Employees will be laid off on the basis of their most recent job performance review score on a lowest score-first out basis, with the employee receiving the lowest score to be the first laid off.
- (3) Employees will be laid off on the basis of the commencement of their total continuous employment on a last in-first out basis, with the last commenced to be the first laid off.
- (4) Employees will be laid off on the basis of the date an employee filed an application for current continuous employment with the human resources

department on a last in-first out basis, with the last applicant to be the first laid off.

- (5) Employees will be laid off on the basis of total city service, which shall include all periods of permanent employment with the city, on at least total service-first out basis, with employee(s) with the least amount of total city service to be the first laid off.
- (6) Employees will be laid off on the basis of their names selected on a random basis by the human resources director, or his or her designee, on a first selected-first out basis, with the first name(s) selected to be laid off first.

~~(e) In any instance in which the employees within the same classification in a department have been assigned to perform different work functions, which vary as to tasks performed, equipment operated or in any other manner that affects the transferability of persons between the functions, and the employees have been either:~~

- ~~(1) Selected for employment or promotion to their assigned work functions on the basis of different formal education qualifications, professional licenses, or specialized technical training, or~~
- ~~(2) Given specialized training, whether of a formal or on-the-job nature, while employed by the city that is based upon the needs of their work functions,~~

~~and the implementation of a layoff on a department wide basis by classification in the manner contemplated by subsection (b) above would, in the opinion of the department director, require the reassignment of any one or more employees to different work functions in order to effectively staff those activities of the department that will continue to be performed after the layoff, then the~~

### **Sec. 14-141.3. Exemptions and directors' discretion.**

~~The department director may exempt one or more employees from the operation of the layoff, if the department director makes a specific written finding that:~~

- ~~(1) The exempted employee(s) have specifically enumerated educational qualifications or specialized technical training skills, professional licenses or licenses qualities relevant to their work functions that are not possessed by the employee or employees who would otherwise replace them, and; or~~
- ~~(2) The retraining of the employee or employees who would otherwise replace the exempted employee(s) would cause a deterioration of service delivery or service quality by the department. or the exempted employee~~

has specifically enumerated skills, the loss of which would adversely impact the department's service delivery or quality.

Not less than ten city working days prior to the date that the laid off employees are formally notified in writing of their layoff under this rule, the department director implementing such layoff shall provide the city attorney with written exemptions, if any, for review and approval.

\_\_\_\_ Except as to employees who are exempted in accordance with this subsection, the layoff shall be accomplished in the manner otherwise provided in this rule.

**Sec. 14-141.4. Grant-funded positions.**

(f) ~~In any instance in which a department has some positions that are funded in whole or in part by virtue of funding received from one or more state or federal grant contracts and other positions that are funded in whole by virtue of funds derived from other general sources of city revenue and a layoff is required due to a reduction or elimination of the funding, then the layoff shall be accomplished in accordance with this rule, but in such a manner as to affect only those employees whose positions are funded in whole or in part through the source of funding that has been reduced or eliminated. It shall be the duty of the department director to ensure that each employee who is hired, transferred, promoted, demoted or otherwise assigned into a position that is funded in whole or in part by any state or federal contract or grant in aid shall be notified prior to such assignment that the position will not be wholly funded by general city revenues and that the employee's continued employment will be subject to the city's continued receipt of funds for the position under the applicable state or federal contract which funds funding the position.~~

A position shall be considered to be funded by a state or federal grant contract for purposes of the administration of this subsection regardless of whether the grant contract provides for the receipt of the funds in advance of their expenditure by the city, or provides for the expenditure of city funds from other city sources with their subsequent reimbursement pursuant to the terms of the grant contract, or provides for any combination of advance funding and reimbursement funding.

**Sec. 14-142. Reemployment list; reemployment.**

The names of persons officially filling permanent civil service positions at the time such positions are abolished, ~~except those and who are below standard employees, have EPE scores acceptable or higher shall be placed on a reemployment list in reverse order of their layoffs~~ and shall remain on this list for a period of one year. When vacancies occur in positions with the same classification or any other classification which is determined by the director to require equivalent job skills within the same or any other department, except as provided below the last one or ones laid off shall be the first reemployed, and no other names shall be certified for those

classifications until the one or ones laid off have been given a reasonable opportunity to accept reemployment with the city. Nothing herein shall be construed as a guarantee of reemployment.

- (1) In any instance in which there exists a reemployment list for a classification, and an employee has been or will be voluntarily or involuntarily demoted to that classification within the department, the department director may request and the commission may approve the certification of the demoted employee to a position within that classification and thereby ~~bypass~~reject employees on the reemployment list.
- (2) In any instance in which the reemployment list for a given classification contains employees who before the layoff did not work within the department in which they would be reemployed, the department director may request and the commission may approve the certification of only those employees on that reemployment list who worked in that department at the time they were laid off, and thereby ~~bypass~~reject all employees on the reemployment list who were not employed in that department at the time they were laid off. If vacancies ~~which~~that the department seeks to fill still exist after certification of all those employees who worked in the department at the time they were laid off, then for those remaining vacancies the last employees laid—off in that classification within any other department shall be the first reemployed.
- (3) In any instance in which the duties assigned to a classification within a department will require the performance of different work functions, which vary as to tasks performed, equipment operated, or in any other manner that affects the transferability of persons between the functions, and any one or more employees on the reemployment list were, before the layoff, either:
  - a. Selected for employment or promotion to the same or similar work functions on the basis of different formal education qualifications, professional licenses, or specialized technical training, or
  - b. Given specialized training, whether of a formal or on-the-job nature, while employed by the city that substantially meets the needs of the work functions to be performed in the department, ~~and the~~ where reemployment of employees based strictly on their numerical position on the reemployment list would, in the opinion of the department director, require the retraining, licensing, or additional education of any one or more employees on the reemployment list to effectively staff those activities of the department that will be performed, then the department director may request that the

commission ~~bypass~~reject one or more employees on the reemployment list. The commission may ~~bypass~~reject the employee(s) only if it finds that based on the director's opinion:

a.[1] The employee(s) who will be ~~bypassed~~ do~~rejected~~ does not have educational or training skills or licenses relevant to the work functions required for the department that are possessed by the employee(s) who the department requests be employed, ~~and~~or

b.[2] The retraining, licensing or additional education of the employee(s) who will be ~~bypassed~~rejected would cause a deterioration of service delivery or service quality by the department.

~~(4) In any instance in which, in the opinion of the department director, an employee on the reemployment list is not physically capable of performing the duties which will be performed in a department after reemployment, the department director may request that the commission bypass that employee. In reviewing such request the commission may order that the employee submit to a physical examination at city expense or provide other medical documentation of ability to perform the duties which will be required of that classification within the department. The commission may bypass that employee only if it finds that the employee is physically incapable of performing the duties which will be required of that employee's classification within that department and that the employee's physical condition cannot reasonably be accommodated by the department.~~

#### **Sec. 14-143. Transfer or demotion in lieu of layoff.**

An employee who is determined to be in line for layoff may be transferred, before the effective date of such layoff, to a position in the same classification in a different department or to a position in any other classification for which the employee is eligible~~qualified~~ in the same department, in lieu of being laid off, such transfer to be governed by conditions or procedures prescribed in these civil service rules and the availability of suitable positions that the department directors desire to fill. If a permanent employee is in line for layoff from a position to which he was promoted within the preceding 12 months, he may be demoted to his previous classification, provided that there is a vacant position available in such classification that the department director desires to fill and further provided that the employee is willing to accept a pay reduction to the rate applicable for the classification to which the employee will be demoted. ~~The employee who accepts a demotion shall be placed on a reemployment list and shall remain on this list for one year. The employee shall be~~

~~placed on the reemployment list based on seniority and performance rating as if they had actually been laid off.~~

#### **Sec. 14-144. Filing of plan; appeal.**

(a) Not less than five city working days prior to the date that the laid off employees are formally notified in writing of their layoff under this rule, the department director implementing such layoff shall file a written plan reflecting such layoff with the human resources director as ~~the secretary to the commission and with the director of the affirmative action division of the mayor's office~~ for review of compliance with non-discrimination obligations. Such plan shall set forth:

- (1) Reason for the layoff and the source of funding which was reduced, if applicable;
- (2) An organizational plan or diagram for the department affected by the layoff as it appeared prior to the layoff;
- (3) The names and the current home addresses and telephone numbers and classifications of the employees who are to be laid off;
- (4) For each classification and final layoff tier in the department in which employees are to be laid off along with the computation of each employees' (whether laid off or not) layoff combined merit rating score and layoff tier pursuant to section 14-141 of this Code; and
- (5) A copy of any exemption designations made pursuant to section 14-141 of this Code.

(b) Each layoff process accomplished under this rule that causes the layoff of any permanent employee shall be subject to review by the commission upon the request of any laid off permanent employee filed in writing with the director within ten calendar days after the date that the employee is given written notice of the layoff. If the tenth day falls on a Saturday, Sunday, or holiday, the time for filing the request for review shall be extended to the next working day. In this paragraph "*permanent employee*" shall mean a full-time regular employee who is serving in a classified civil service position who has completed the one-year probationary period applicable to new and rehired civil service employees but shall not be construed to mean any employee ~~excepted~~ accepted from civil service classification pursuant to Article Va, Section 2 of the City Charter. Such request shall specify the reason that the laid off employee believes that the layoff process was not properly accomplished in accordance with this rule. Any request which lacks such specificity may be rejected by the commission. The chairman appeal shall not raise prior acts of the department or delve into past incidents. It shall focus solely on the process of the layoff and whether it was done correctly and in accordance with this rule. The chairman, in consultation with the other members and

the director, shall determine the type of review to be conducted, establish a date therefor, and determine the names of those persons who would be affected by the appeal if meritorious. The director shall cause a written notice of the review proceeding to be mailed to each person ~~that~~who may be designated by the commission, at the address furnished in the layoff plan, by certified U.S. mail, return receipt requested. Any of the persons so designated may intervene in the review by filing a written statement of position on the matter with the director by the day prior to its setting. To the extent practicable, only one review shall be conducted for each layoff process. The commission shall limit its inquiry to the issue of whether the layoff process was accomplished as to all employees involved, whether laid off ~~or~~ not, in accordance with this rule, and it shall not at any time substitute its judgment or opinion for that of the department director as to any decision made within the legitimate discretion of the department director. The commission shall enter a written decision as soon as practicable after the conclusion of the review which shall be done by written documentation only (no testimony or oral argument) but ~~in no event~~ not later than the twentieth day next following the date that the review is concluded. The commission may uphold the layoff as presented, uphold it in part and change it in part or take any other action necessary in order to conform the layoff to this rule. In accordance with its determination the commission may order the reinstatement of any laid off employee with back pay and the layoff of any other employee in lieu thereof. The filing of an appeal hereunder shall not defer the implementation of the layoff. However, the mayor may defer the implementation of the layoff process, in whole or in part, upon written recommendation of the director and the commission chairman that it be deferred due to an apparent violation of this rule. Layoffs reviewed and sustained by the commission shall be final and shall not be subject to any other administrative recourse, review, or appeal process.

(c) To the extent an employee association has been duly recognized by the city as the sole and exclusive bargaining agent for municipal employees under Chapter 146 of the Local Government Code, the city and bargaining agent shall, through meet and confer, arrive at an alternate expedited process by which an exemption afforded under section 14-141.3 of this Code may be challenged by the employee association on the grounds that it does not meet the criteria under that section, and whereby a laid off employee with at least eight years of service may challenge a combined merit rating of 9 received by the employee on the grounds that such rating does not accurately represent the employee's performance for the covered period.

**Sec. 14-145. Review by affirmative action ~~division~~ human resources department for nondiscrimination obligations.**

The mayor shall cause any plan for the implementation of a layoff to be reviewed by the ~~affirmative action division of the mayor's office~~ human resources department to ensure that no employee is denied any benefit of employment or granted any preference on the basis of race, color, creed, sex, religion, national origin, age, gender, handicap or political or fraternal affiliation in the implementation of the layoff. If the

commission finds that a denial of benefits or preference was undertaken for any of the foregoing reasons, then it shall order the reinstatement of the wronged employee(s) with back pay and the layoff of other employee(s) in lieu thereof. In order to facilitate such review the department director shall file a document reflecting the racial and sexual makeup of the department, including the employees to be laid off, with the documents furnished provided to the director of the affirmative action division of the ~~mayor's office~~ civil service commission.

## **EXHIBIT A CITY DEPARTMENTS**

Administration and Regulatory Affairs  
City Controller  
City Council  
City Secretary  
Convention and Entertainment Facilities  
Finance  
Fire  
Fleet Management  
General Services  
Health and Human Services  
Housing and Community Development  
Houston Airport System  
Houston Public Library System  
Human Resources  
Information Technology  
Legal  
~~Mayor's Office—311~~  
Mayor's Office—Administration  
Mayor's Office—Affirmative Action  
Mayor's Office—Citizens' Assistance

Mayor's Office—Houston Emergency Center

Municipal Courts

Parks and Recreation

Planning and Development

Police

Public Works and Engineering

Solid Waste Management

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinances (1) determining the population of the City to be at least 2.1 million and (2) as a consequence, that the City Charter mandates creation of two additional council districts.		<b>Page</b> 1 of 1 <i>26</i>	<b>Agenda Item</b> # <i>26A</i>
<b>FROM (Department or other point of origin):</b>  Planning and Development Department		<b>Origination Date</b> March 3, 2011	<b>Agenda Date</b>  MAR 09 2011
<b>DIRECTOR'S SIGNATURE:</b>  <i>Margaret N. Wallace</i>		<b>Council District affected:</b>  All	
<b>For additional information contact:</b> Margaret Wallace <b>Phone:</b> 713.837.7826		<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2009-136, Feb. 18, 2009	
<b>RECOMMENDATION: (Summary)</b> That the City Council adopt the proposed ordinances determining: (1) the population of the City exceeds 2.1 million and (2) by virtue of the City's current population, the City Charter mandates the creation of two new council districts.			
<b>Amount and Source of Funding:</b> N/A			
<b>PECIFIC EXPLANATION:</b> In each year during which a City general election is to be held, Article V, Section 3 of the City Charter requires the City Council, based upon the best available data, to determine the population of the City.  Data from the most recent (2010) federal census for the City of Houston has been reviewed by the City's demographer and by the Planning and Development Department staff and both the demographer and the Planning Department have independently determined that, based on the U.S. Census Bureau's own data, the population within the City's boundaries currently is at least 2.1 million. The City Council has sufficient data to find and determine that the current population of the City now is at least 2.1 million.  Upon making such finding, Article V, Section 2 of the City Charter mandates that when the population of the City is determined to be 2.1 million persons or more, the number of Council Members shall be increased from 14 to 16, with the two additional districts designated as District J and District K. Such finding will also require the redrawing of all Council districts to create the additional districts with no material imbalance among all eleven districts.			
Copy to: Marta Crinejo, Agenda Director David M. Feldman, City Attorney Anna Russell, City Secretary			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

# A Report to the Houston City Council on the 2010 Census Results

by

Jerry Wood

February 24, 2011

*As the City Council is aware, Article V, Section 3 of the City Charter requires the City Council, based upon the best available data, to determine in each year during which a City general election is to be held, (i) the population of the City and of each Council district from which a district Council Member is to be elected, and (ii) whether the population of the Council districts is materially unbalanced as to population. The Council is also aware that the official April, 2010 U.S. Census for the City of Houston showed a population of 2,099,451, or just shy of 2.1 million. A population of 2.1 million is significant because Article V, Section 2 of the City Charter requires the City to create two additional Council Districts when the city's population is determined to be 2.1 million or more. The purpose of this report is to delineate deficiencies in the reported census and identify clear evidence that the City's population is, in fact, greater than 2.1 million.*

All estimates for the 2010 population of Houston, including those of the Census Bureau and the Planning and Development Department, were higher than the Bureau's enumerated population by over 150,000 people. There are many ways in which these results may be analyzed to understand the source of this undercount. Analysis of the Census results to identify errors is a task performed by the Planning and Development Department after every Census. As a part of that effort, I looked at one possible source for errors, simple mistakes in geography, which have been common in past censuses. In the course of my examination, I identified Census Bureau errors which excluded many Houstonians from our official count by mistakenly assigning them to unincorporated Harris County. If these errors had not occurred, Houston's official Census population would have been over 2,100,000.

Once the Census bureau releases its results for Houston and the surrounding counties, the Planning and Development Department examines the results at block level to look for anomalies and errors. When Census enumerators collect their data, it is assigned to specific blocks created by lines formed by physical features recognizable to the eye, such as roads and streams, and by the boundary lines of major units of government, such as cities and counties. The Census Bureau does not recognize property lines or utility district boundaries in establishing the boundaries of their blocks. The city limit of the City of Houston is highly complex, especially since the advent of limited purpose annexations in 2001. These limited

purpose annexations often follow utility district boundaries, subdivision boundaries, or property lines, and can be difficult for the Census Bureau to replicate in its system. In examining the census results at block level I found many instances in which the Census Bureau's version of the city limits did not conform to the actual city limits. Additionally, some of the limited purpose annexations were not picked up by the Census Bureau, and many tracts were not included within the area the Census Bureau recognized as being in the city. Most areas annexed for limited purposes do not include residents at the time of annexation. However, after annexation some commercial tracts have been developed with apartments and the population within those limited purpose areas is eligible, under Texas law, to vote in City elections. Examples of the exclusion of actual Houston residents from the Census Bureau population count for the City follow.

In six cases, the excluded population could be easily identified because it was located in a block formed by lines recognized by the Census Bureau. In these cases, entire Census blocks were excluded from the City count and this excluded population is easily identified. In the Fall Creek neighborhood on the North Belt East (Exhibit A), the Census Bureau failed to include all of the limited purpose annexation in its definition of the City of Houston, and excluded an entire apartment complex. Part of that complex was in a *whole* block that contains 206 Houstonians. The other portions of that particular limited purpose annexation area were included in blocks that held residents who are properly attributed to unincorporated Harris County. In the Crosswinds Plaza development on the North Belt between John F Kennedy Boulevard and the Eastex Freeway, the Census Bureau shifted a complicated City boundary, and excluded 174 Houston residents, while placing other Houston residents in blocks with County residents.

In four cases, the Bureau's version of the city limit line was simply displaced a short distance from, and parallel to, the actual location of the city limit line. In Eastex Oaks subdivision, for instance, the Census Bureau's error placed eleven Houston residents in a block formed by a drainage ditch which was recognized as a geographical line, and by their erroneous version of the city limit. The actual city limit and the drainage ditch are the same line, and the block the Census Bureau attributed to unincorporated Harris County should have been included in Houston's total population. The same thing occurred along the southern boundary of the Summerwood subdivision, in which 21 Houstonians were mistakenly excluded, and the western boundary of the former Interstate MUD, where five were excluded. In the Lakeshore subdivision around Lake Houston (Exhibit B), the Census Bureau displaced their version of the city limit for a long distance and managed to exclude entire blocks. A total of 149 Houston residents, along with additional homes, were excluded and are described below.

The additional exclusions of actual Houston residents in Lakeshore resulted in many homes being included in blocks the population of which should not be counted in the City. As a result,

the only way to identify how many Houstonians were excluded is to make an estimate based on the roof tops of the homes located in these blocks that are also in the City of Houston but excluded by the Bureau, and assigning the blocks' population proportionately. The result of this calculation is an estimate showing another 109 Houstonians excluded in these blocks. The same process, using HCAD information on the number of apartments in the apartment complexes mistakenly placed in blocks including unincorporated Harris County population in the Crosswinds Plaza development, yields an estimate of an additional 140 excluded Houstonians. Again, and using the same HCAD information, I estimate that an additional 196 Houstonians in the excluded Fall Creek apartment complex were improperly assigned to unincorporated Harris County. Finally, a displaced city limit line near West Oaks Mall excluded patio homes containing an estimated 17 residents who should have been included in the City of Houston population total.

Because it is easy to place population on the wrong side of a street, as has often happened before, I also looked for examples of residences near the city limit line that might have been accidentally coded to the other side of the street and out of the City. In checking a new apartment complex on Pearland Parkway between the South Belt and Clear Creek (Exhibit C), which is the City's boundary in this area, I discovered that the block containing the apartment complex was uninhabited according to the Bureau. Further, I checked the surrounding blocks and could find no evidence that this population was located in any other block within the City of Houston. It may have been placed in Brazoria County, or it may not have been counted at all. This complex, which was occupied at the time of the Census count, has 292 units, according to HCAD. Using a 15% vacancy rate yields an estimated population of this block of 658 uncounted Houstonians.

Further effort will be necessary to prepare a thorough analysis of errors to submit to the Census Bureau for correction after they begin accepting appeals after June 1, 2011. A search for uncounted population will be made in locations not on the periphery of the city, but will require a more complicated analysis involving identification of housing units and confirmation that the apartments were occupied at the time of the census enumeration in April 2010. If the errors already identified had not occurred, the population count for the City on April 1, 2010, would certainly have been 566 residents higher, or 2,100,017, and, depending on the accuracy of the estimates, may have been as high as 2,101,137.

Exhibit A : Excluded Residences with Census 2010 and Houston 2011 City Limits

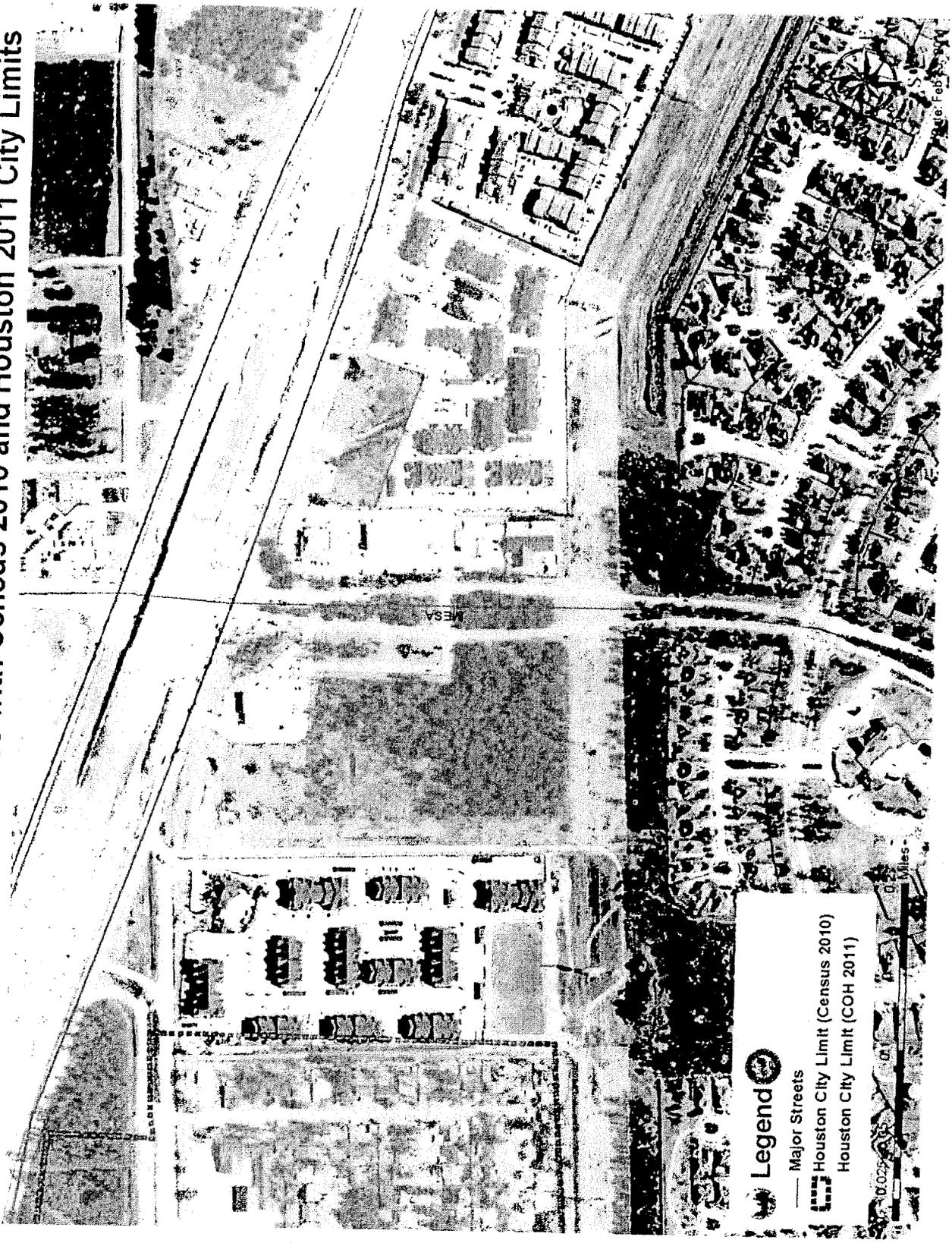
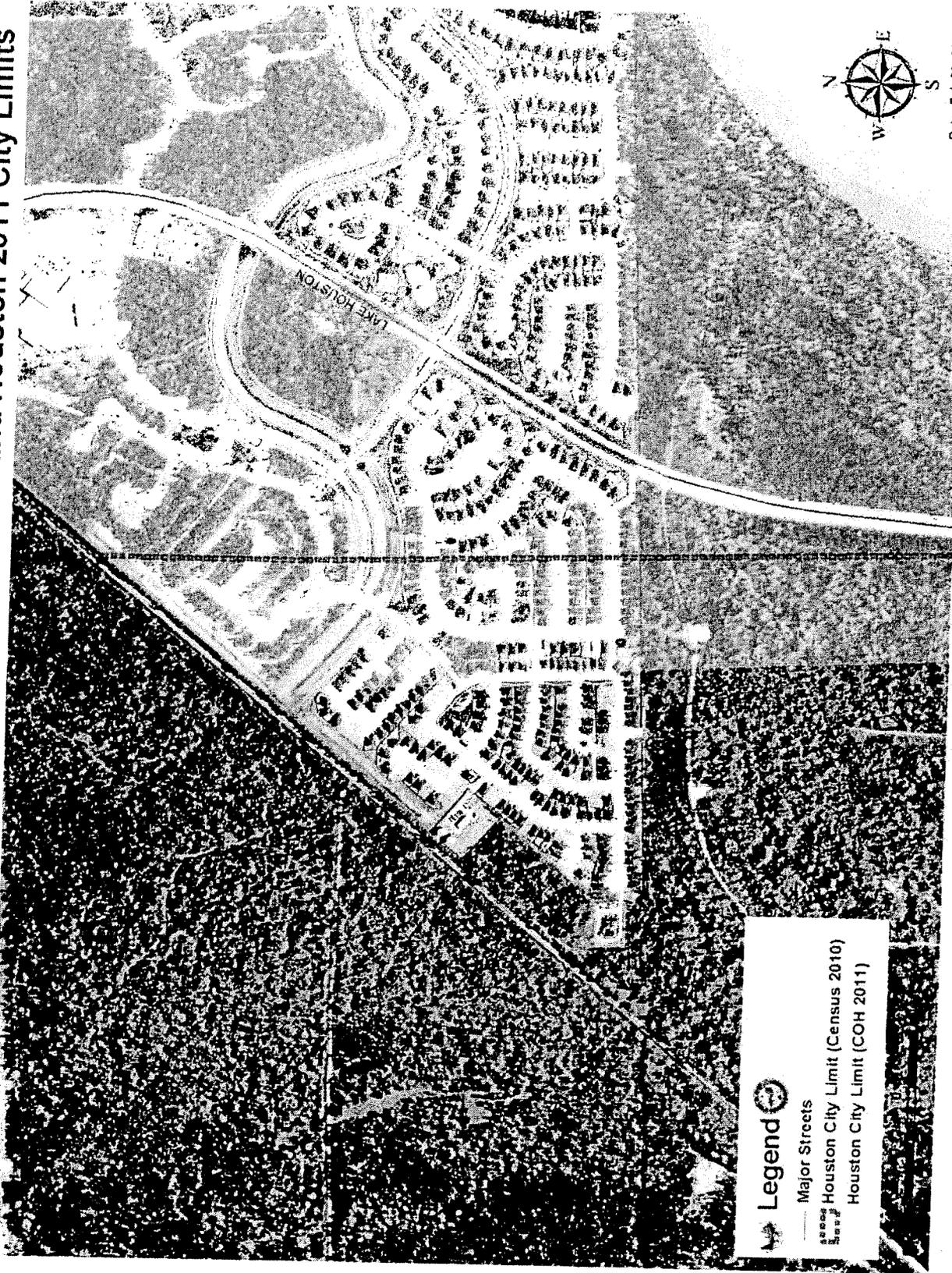
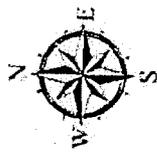


Exhibit B : Excluded Residences with Census 2010 and Houston 2011 City Limits



**Legend**  
Major Streets  
Houston City Limit (Census 2010)  
Houston City Limit (COH 2011)



Date: Feb 23, 2011

# Exhibit C : Excluded Residences with Census 2010 and Houston 2011 City Limits



26

MAR 09 2011

City of Houston Ordinance No. 2011-\_\_\_\_\_

**AN ORDINANCE DETERMINING THE POPULATION OF THE CITY; MAKING FINDINGS AND CONTAINING PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \*

**WHEREAS**, Article V, Section 3 of the City Charter provides that in each year during which a City General Election is to be held, the City Council shall conduct an investigation to determine the population of the City; and

**WHEREAS**, Article V, Section 3 of the City Charter further provides that such population determination shall be based upon the best available data, including, but not limited to, the most recent federal census; and

**WHEREAS**, the City Council has received the 2010 Census data showing a total population in the City, as of April 2010, of 2,099,451; and

**WHEREAS**, the City's demographer conducted a review of the 2010 Census data and set forth his findings in a report dated February 24, 2011, and provided to the City Council on that date; and

**WHEREAS**, the demographer's review revealed numerous errors and provided clear, substantial and convincing evidence that, had such errors not occurred, the April 2010 population of the City as reported by the U.S. Census Bureau ("the Bureau") would have been at least 2.1 million residents; and

**WHEREAS**, such errors were instances in which the Bureau counted population at the edges of the city limits of the City of Houston but erroneously assigned that population to unincorporated areas of Harris County; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted.

**Section 2.** The City Council determines the population of the City to be at least 2.1 million residents.

**Section 3.** If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of

this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 4.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Tex. Gov't. Code Ann. ch. 551; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 5.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor of the City of Houston

*pl*

Prepared by Legal Dept. BCalabrese  
TBC Senior Assistant City Attorney  
Requested by Marlene Gafrick, Director, Planning and Development  
L.D. File No. 0611000237001

26A

MAR 09 2011

City of Houston Ordinance No. 2011-\_\_\_\_\_

**AN ORDINANCE ORDERING THE REDRAWING OF COUNCIL DISTRICT BOUNDARIES IN COMPLIANCE WITH THE CITY CHARTER; MAKING FINDINGS AND CONTAINING PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \*

**WHEREAS**, by passage of Ordinance No. 2011-\_\_\_\_<sup>1</sup>, the City Council determined the City's population to be at least 2.1 million; and

**WHEREAS**, Article V, Section 2 of the City Charter provides that if the population of the City is ever determined to be 2.1 million persons or more, the number of district council members shall be increased from 14 to 16, the two additional members to be designated as Council Member, District J, and Council Member, District K; and

**WHEREAS**, the City Council, having determined that the population of the City is now 2.1 million, finds it necessary that council district boundaries be redrawn to add two additional council districts, and that the redrawn council districts be precleared under Section 5 of the federal Voting Rights Act, 42 U.S.C. §1973c; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted.

**Section 2.** That, pursuant to City Charter Article V, Section 2 and the foregoing findings, the City Council orders the redrawing of Council District boundaries to add two new districts (whose members shall be designated as Council Member, District J, and Council Member, District K).

**Section 3.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be

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1. The City Secretary shall insert the number of the *Ordinance determining the population of the City* that was adopted during the same meeting of the City Council at which is Ordinance is being considered.

affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 4.** That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Tex. Gov't. Code Ann. ch. 551; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 5.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor of the City of Houston

*pl*

Prepared by Legal Dept.           *B. Calabrese*            
TBC Senior Assistant City Attorney  
Requested by Marlene Gafrick, Director, Planning and Development  
L.D. File No.0611000237001

**TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Request City Council approval to amend Ordinance #2010-066: (1) reducing the number of homes to be demolished and reconstructed from thirty-three (33) to twenty-eight (28) homes, (2) reducing the allocation of CDBG-DR funds by \$1,804,650.00; (3) increasing the allocation of CDBG funds by \$1,255,500.00; and increasing the appropriation of TIRZ funds by \$250,000.00 (4) amending the guidelines applicable to the reallocated homes; and (5) authorizing contracts between the City of Houston and Joshua Dade Homes, eighteen (18) homes and General Contractor Services, Inc., ten (10) homes.	<b>Category #</b>	<b>Page</b> 1 of 4	<b>Agenda Item #</b> <div style="border: 1px solid black; padding: 5px; display: inline-block;">                 27             </div>

<b>FROM (Department or other point of origin):</b> James D. Noteware, Director Housing and Community Development Department	<b>Origination Date</b> September 24, 2010	<b>Agenda Date</b> <del>SEP 24 2010</del> MAR 08 2011
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> A, B, D, H, I
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<b>For additional information contact:</b> Chris Butler Phone: (713) 865-4196	<b>Date and identification of prior authorizing Council action:</b> July 30, 2008 Ordinance No. 2008-683 January 27, 2010 Ordinance No. 2010-066
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**RECOMMENDATION: (Summary)**  
 The Housing and Community Development Department recommends the following amendment to Ordinance #2010-066: (1) reducing the number of homes to be demolished and reconstructed from thirty-three (33) to twenty-eight (28) homes; (2) reducing the allocation of CDBG-DR funds by \$1,804,650.00 to reflect the reduction of the homes to be funded from CDBG-DR from 31 to 8, and increasing the allocation of CDBG funds by \$1,255,500.00 to reflect the increase in the homes to be funded from CDBG from 1 to 17; (3) increasing the appropriation of TIRZ funds by \$250,000 to reflect the increase in the homes to be funded from TIRZ from 1 to 3 and the payment of certain relocation and contingency construction costs; (4) amending the guidelines applicable to the additional homes to be funded from CDBG and TIRZ; and (5) authorizing contracts between the City of Houston and Joshua Dade Homes, eighteen (18) homes and General Contractor Services, Inc., ten (10) homes.

<b>Amount of Funding:</b> Total Amount of Funding	\$2,317,258.00	<b>Finance Budget:</b>
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SOURCE OF FUNDING	[ ] General Fund	[ ] Grant Fund	[ ] Enterprise Fund
[ ] Other (Specify)			
CDBG-DR	\$ 654,558.00		
CDBG Fund 5000	\$1,332,800.00		
TIRZ 2409	\$ 329,900.00		

**SPECIFIC EXPLANATION:**  
 On January 27, 2010, City Council passed Ordinance # 2010-066 authorizing \$2,616,408 to demolish and reconstruct 33 houses. 31 of the 33 houses were to be paid from Community Development Block Grant (Disaster Recovery) ("CDBG-DR") funds, 1 of the houses was to be paid from Community Development Block Grant ("CDBG") (Fund 5000) funds and 1 of the houses was to be paid from TIRZ Affordable Housing (Fund 2409) ("TIRZ Fund 2409") funds. The owners of 5 of the 31 houses to be paid with CDBGDR Funds are no longer participating in the demolition and reconstruction program and construction is complete on the 2 homes whose construction was not to be paid from CDBGDR funds. Because of changes in qualifying parameters under the Single Family Home Repair CDBG-DR Program and restrictive criteria set forth by the Texas Department of Housing and Community Affairs (TDHCA) the Housing and Community Development Department requests the following modifications:

1. Appropriation of \$250,000.00 out of the TIRZ Fund 2409 to pay \$90,200.00 of relocation and contingency construction costs that may be incurred for the houses to be funded with CDBG or TIRZ Fund 2409 funds and \$159,800.00 of demolition and reconstruction costs for the additional two houses to be funded from TIRZ Fund 2409.
2. Reduction of CDBG-DR allocation by \$1,804,650.00 from \$2,459,208.00 to \$654,558.00 and reduction of the number of homes to be funded by CDBG-DR from 31 to 8.
3. Increase of CDBG allocation by \$1,255,500.00 from \$77,300.00 to \$1,332,800.00 and increase of the number of homes to be funded by CDBG from 1 to 17.

REQUIRED AUTHORIZATION		
<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

Date	Subject:	Originators Initials <i>gdn</i>	Page 2 of 4
<p>4. Increase of TIRZ allocation by \$159,800.00 from \$79,900.00 to \$239,700.00 and increase of the number of homes to be funded by TIRZ from 1 to 3.</p> <p>5. Amendment of the Administrative Guidelines for the Single Family Home Repair Program adopted pursuant to Ordinance 2008-683 ("2008 SFHRP Guidelines") to permit only the contracts that were originally to be funded under CDBG-DR and that are now to be funded under CDBG or TIRZ:</p> <ul style="list-style-type: none"> <li>a. to be administered pursuant to the City of Houston Housing and Community Development Department Hurricane Ike/Dolly Housing Assistance Guidelines that are attached to Ordinance 2010-066 as Exhibit "A" and to be documented pursuant to agreements in substantially the form attached to Ordinance 2010-066;</li> <li>b. to be subject to a Five Year Affordability Period for Reconstruction/Replacement Housing instead of the Fifteen Year Affordability Period imposed by the 2008 SFHRP Guidelines; and</li> <li>c. to be subject to a \$2,000,000.00 annual budget limitation for Reconstruction (Tier III), in order to access the 2009 allocation which has not been previously expended.</li> </ul> <p>The Housing and Community Development Committee reviewed the proposed amended ordinance at its October 28, 2010 meeting and voted to recommend it favorably for Council action.</p> <p>Details are outlined on pages 3 and 4 of this Request for City Council Action.</p>			

GENERAL CONTRACTOR SERVICES, INC.		JOSHUA DADE HOMES	
Homeowner/Address Amount (Source of Funds)	Council District	Homeowner/Address Amount (Source of Funds)	Council District
Elias Z. Martinez (Houston Hope) 1122 Woolworth Street 77020 \$86,829.00 (CDBG-DR)	I	William Maxie & Dorothy Maxie (HH) 4117 Melbourne 77026 \$0 <b>Homeowner Declined Reconstruction Assistance</b>	B
Marvin & Diana Swenney (HH) 4605 Briscoe Street 77051 \$80,150.00 (CDBG-DR)	D	Fred Pierce (HH) 4026 Caplin 77026 \$79,900.00 (TIRZ)	B
Erma L. Richmond 409 Pennsylvania Street 77029 \$80,150.00 (CDBG)	I	Delores Burnett (HH) 5217 Doulton 77033 \$79,900.00 (CDBG)	D
Carmen Fonseca (HH) 6606 Brownsville 77020 \$86,829.00 (CDBG-DR)	H	Joyce L. Hatch (HH) 7606 Pointer 77016 \$77,300.00 (CDBG)	B
Geraldine Harris 3013 Toliver 77093 \$80,150.00 (CDBG-DR)	H	Betsy Mathews (HH) 5101 Higgins 77033 \$0 <b>Eligibility status changed to Ineligible</b>	D
Ervin R. Polk (HH) 119 Hahlo Street 77020 \$0 <b>Homeowner Declined Reconstruction Assistance</b>	H	Elizabeth Figgs(HH) 5221 Pederson 77033 \$77,300.00 (CDBG)	D
Delores Hollins (HH) 7825 Bonaire 77028 \$80,150.00 (CDBG-DR)	B	Mearyline Scott (HH) 702 East 32 <sup>nd</sup> 1/2 Street 77022 \$79,900.00 (CDBG)	H
Mary L. Porras (HH) 4005 Lila 77026 \$80,150.00 (CDBG-DR)	B	Carolyn Washington (HH) 711 North Loop 77022 \$77,300.00 (CDBG)	H
Jessie Odell Craig & Linda Craig (HH) 5630 Finch 77028 \$80,150.00 (CDBG-DR)	B	Mary Martinez (HH) 3816 Moore Street 77009 \$79,900.00 (CDBG)	H
Michael Jackson 3422 Melborne, 77026 \$80,150.00 (CDBG-DR)	B	Jonathan Yeldell & Consuella Yeldell 8602 Tilgham 77029 \$0 <b>Homeowner Declined Reconstruction Assistance</b>	B
Rosa R. Pardo 7818 Baltimore 77012 \$80,150.00 (CDBG)	I	Tommie Doiron & Lawrence Doiron (HH) 7917 Pointer Street 77016 \$79,900.00 (TIRZ)	B
<b>JOSHUA DADE HOMES</b>		Rena Gooden & Judy Gooden (HH) 7918 Pointer 77016 \$77,300.00 (CDBG)	B
Rose Sexton 10006 Burnside 77041 \$77,300.00 (CDBG) <b>Project Complete</b>	A	David Moon & Agatha Moon (HH) 2510 Fairbanks Street 77026 \$77,300.00 (CDBG)	B
Lovely Johnson 3011 Sunnydale 77051 \$79,900.00 (TIRZ) <b>Project Complete</b>	D	Ruby Bradshaw-Rose (HH) 8130 Howton Street 77028 \$77,300.00 (CDBG)	B
Henry Shaw and Wanda Shaw (HH) 8110 Scott 77051 \$79,900.00 (CDBG)	D	Alicia G. Galicia (HH) 6320 Force Street 77020 \$77,300.00 (CDBG)	H
Eunice McDaniel (HH) 5043 Briscoe 77033 \$77,300.00 (CDBG)	D	Gwendolyn Thomas (HH) 4550 Sunflower Street 77051 \$77,300.00(CDBG)	D
Raymond Mouton & Betty Johnson 2248 Firnat 77093 \$79,900.00 (CDBG)	H		
Evelyn Crawford 8106 Parkhurst 77028 \$0 <b>Homeowner's Death Date November 6, 2010</b>	B		

Homeowner/Address Amount (Source of Funds)/Contractor	Council District	Homeowner/Address Amount (Source of Funds)/Contractor	Council District
Elias Z. Martinez (Houston Hope) 1122 Woolworth Street 77020 \$86,829.00 (CDBG-DR) General Contractor Services, Inc	I	Joyce L. Hatch (HH) 7606 Pointer 77016 \$77,300.00 (CDBG) Joshua Dade Homes	B
Marvin & Diana Swenney (HH) 4605 Briscoe Street 77051 \$80,150.00 (CDBG-DR) General Contractor Services, Inc	D	Elizabeth Figgs(HH) 5221 Pederson 77033 \$77,300.00 (CDBG) Joshua Dade Homes	D
Carmen Fonseca (HH) 6606 Brownsville 77020 \$86,829.00 (CDBG-DR) General Contractor Services, Inc.	H	Mearyline Scott (HH) 702 East 32 <sup>nd</sup> ½ Street 77022 \$79,900.00 (CDBG) Joshua Dade Homes	H
Geraldine Harris 3013 Toliver 77093 \$80,150.00 (CDBG-DR) General Contractor Services, Inc.	H	Carolyn Washington (HH) 711 North Loop 77022 \$77,300.00 (CDBG) Joshua Dade Homes	H
Delores Hollins (HH) 7825 Bonaire 77028 \$80,150.00 (CDBG-DR) General Contractor Services, Inc.	B	Mary Martinez (HH) 3816 Moore Street 77009 \$79,900.00 (CDBG) Joshua Dade Homes	H
Mary L. Porras (HH) 4005 Lila77026 \$80,150.00 (CDBG-DR) General Contractor Services, Inc.	B	Rena Gooden & Judy Gooden (HH) 7918 Pointer 77016 \$77,300.00 (CDBG) Joshua Dade Homes	B
Jessie Odell Craig & Linda Craig (HH) 5630 Finch 77028 \$80,150.00 (CDBG-DR) General Contractor Services, Inc.	B	David Moon & Agatha Moon (HH) 2510 Fairbanks Street 77026 \$77,300.00 (CDBG) Joshua Dade Homes	B
Michael Jackson 3422 Melbourne,77026 \$80,150.00 (CDBG-DR) General Contractor Services, Inc.	B	Ruby Bradshaw-Rose (HH) 8130 Howton Street 77028 \$77,300.00 (CDBG) Joshua Dade Homes	B
Schedule II CDBG-DR Total \$654,558.00		Alicia G. Galicia 6320 Force Street 77020 \$77,300.00 (CDBG) Joshua Dade Homes	H
Erma L. Richmond 409 Pennsylvania Street 77029 \$80,150.00 (CDBG) General Contractor Services, Inc.	I	Gwendolyn Thomas 4550 Sunflower 77051 \$77,300.00 (CDBG) Joshua Dade Homes	D
Rosa R. Pardo 7818 Baltimore 77012 \$80,150.00 (CDBG) General Contractor Services, Inc.	I	Schedule III CDBG Total \$1,255,500.00	
Henry Shaw and Wanda Shaw 8110 Scott 77051 \$79,900.00 (CDBG) Joshua Dade Homes	D	Fred Pierce (HH) 4026 Caplin 77026 \$79,900.00 (TIRZ) Joshua Dade Homes	B
Eunice McDaniel (HH) 5043 Briscoe 77033 \$77,300.00 (CDBG) Joshua Dade Homes	D	Tommie Doiron & Lawrence Doiron 7917 Pointer 77016 \$79,900.00 (TIRZ) Joshua Dade Homes	B
Raymond Mouton & Betty Johnson 2248 Firnat 77093 \$79,900.00 (CDBG) Joshua Dade Homes	H	Schedule IV TIRZ Total \$159,800.00	
Delores Burnett (HH) 5217 Doulton 77033 \$79,900.00 (CDBG) Joshua Dade Homes	D		

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract with Burson-Marsteller, LLC for Advertising, Marketing and Public Relations Services for the Houston Airport System		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 28
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> January 25, 2011	<b>Agenda Date</b> MAR 09 2011 <del>MAR 02 2011</del>	
<b>DIRECTOR'S SIGNATURE:</b> <i>Kae</i>		<b>Council District affected:</b> B, E, I		
<b>For additional information contact:</b> Saba Abashawl <i>me</i> Phone: 281-233-1829		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> \$300,000.00 FY11 \$628,500.00 Out Year \$928,500.00 TOTAL - HAS Revenue Fund (8001) <i>KL 2/14/11</i>		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance approving and authorizing a contract with Burson-Marsteller, LLC for Advertising, Marketing and Public Relations Services for the Houston Airport System.				
<b>SPECIFIC EXPLANATION:</b> A Request for Proposals (RFP) was issued in March, 2010 for advertising, marketing and public relations services for the Houston Airport System (HAS). The RFP was advertised in the Houston Chronicle on March 28 and April 4, 2010, and also in the Houston Business Journal on March 26, and April 2, 2010. Eighteen (18) firms submitted proposals: Weber Shandwick; Airport Access, Inc.; Robert Burning Productions; Creatis, Inc.; Griffin Communications Group; BQR Advertising & Public Relations, Inc.; Marion Montgomery, Inc.; Burson-Marsteller, LLC.; Edelman; Steel Advertising & Interactive, Inc.; Limb Obsessive Compulsive Marketing, Branding and Design; Vollmer Public Relations and Gilbreath Communications, Inc; Carrengroup Public Affairs Counselors; Hill & Knowlton; Yaffe/Deutser; Richards/Carlberg; Pierpont; and Artisian Field.  The evaluation committee, consisting of HAS management staff and representatives from the Convention and Entertainment Facilities Department, the Greater Houston Partnership and the Greater Houston Convention and Visitors Bureau, evaluated and ranked all proposals based on organization and staffing, previous work experience and qualifications, work plan, creativity/innovative design and utilization of M/WBE vendors. As a result, three (3) firms were short-listed: Burson-Marsteller, LLC, Edelman, and Vollmer Public Relations and Gilbreath Communications, Inc. Each firm was interviewed and made a presentation. Burson-Marsteller, LLC was selected as the best respondent.  This contract will support efforts by HAS to position the Houston Airport System as a competitive global gateway. Basic Services include advertising, marketing and public relations and the execution of a strategic and integrated communications plan designed to reach the Houston Airport System's diverse stakeholders in the Houston area, throughout the Americas and worldwide. The services are intended to promote the system's leadership and vision and clearly communicate the system's competitive advantages over other regional, national and global gateways. Specifically, the contract will provide management and protection of the HAS brand, media and public relations, development of press materials (including press kits and media release templates), design and production of promotional print collateral, development of materials for				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

<b>Date</b> January 25, 2011	<b>Subject:</b> Contract with Burson-Marsteller, LLC for Advertising, Marketing and Public Relations Services for the Houston Airport System	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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airport tours and educational opportunities and coordination of promotional items. The contract will also provide strategic event planning, creative and strategic brainstorm sessions throughout the year as needed, workshops designed to transfer skill sets to HAS staff in order to build in-house proficiency in specific areas, assistance with vendor selection and managing all creative projects through the design and approval processes. Additional Services are available to supplement or expand these services, if needed, and are available at the discretion of the director. These include brand platform development, market research, media planning, additional creative services, website augmentation, professional photography, and additional collateral production.

The term of this contract is one-year (1) with an option to renew for additional one year (1) period. Should the one-year option be utilized, an additional request for funding will be made to City Council.

**M/WBE PARTICIPATION:** The Minority Women Business Enterprise (M/WBE) goal for this agreement is fifteen percent (15%) and will be met by the following certified firms:

<b>Firms</b>	<b>Type of Work</b>	<b>Amount</b>	<b>%</b>
Gigi Lee & Associates	Community Outreach	\$ 30,775.00	3.314 %
S.P. Productions, Inc.	Promotional Products	\$ 50,000.00	5.386 %
Bayside Printing	Printing	\$ 43,500.00	4.684 %
Al-Fin	Photography	\$ <u>15,000.00</u>	<u>1.616</u> %
	Total	\$ 139,275.00	15.000 %